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ABSTRACT

The welfare and treatment of children is a key test of society's commitment to human and social development. This report details a study of the implementation of the 1989 United Nations Convention on the Rights of the Child in the United Kingdom (UK) and contrasts the U.K. approach with those adopted in other states, focusing on those at comparable stages of economic, social, and political development. Methods used in the study included a literature review of appropriate documents, such as summaries of U.N. Committee hearings and state party reports; questionnaires completed by staff of nongovernmental agencies and government officials; and follow-up telephone interviews. The report outlines arguments for the promotion of children's rights, explains the significance of the U.N. Convention, and identifies how the Convention can be used as a tool for implementing children's rights. The bulk of the report compares the approaches to reporting adopted in other countries and the measures put in place to support implementation of the Convention. The report examines recent developments in the U.K., draws out conclusions, and provides recommendations as to how positive approaches to reporting and implementation can be most effectively pursued within the U.K. References are listed throughout the report. (KB)

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implementing children's rights

Sandy Ruxton

what can the UK learn from international experience?

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Save the Children

implementing children's rights

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Sandy Ruxton

Save the Children

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Sandy Ruxton, who wrote this report, is an independent social policy analyst and researcher. He is the author of a range of publications on children and family issues, the most recent of which are *Men and their children: proposals for public policy* (Institute for Public Policy Research, 1996) and *Children in Europe* (NCH Action For Children, 1996).

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The project was conceived and co-ordinated by **Madeleine Tearse**.

Introduction

Since the 1920s, Save the Children has played an important part in securing international recognition of children's rights. It was Save the Children's own founder, Eglantyne Jebb, who drew up the first Charter of the Rights of the Child in 1923 which was adopted by the League of Nations in 1924. Today, in its work around the world, Save the Children seeks to raise awareness of, and promote the implementation of, the 1989 United Nations Convention on the Rights of the Child.

The UK ratified the UN Convention on the Rights of the Child in 1991, and, under the obligations which this conferred, the (then) UK Government submitted its first report to the UN Committee on the Rights of the Child in 1994. This received a mixed response from the United Nations Committee on the Rights of the Child, and did not lead to any major reform of policy towards children. In January 1999 the UK's next report will be due, the first under the Labour Government elected in May 1997.

Against this background, this study highlights positive ways in which the Convention and the reporting process has been used in other countries as a tool to create dynamic and comprehensive policy initiatives for children at all levels. In so doing, it aims to inform the development of a co-ordinated and high-profile agenda for children's rights in the UK.

This study sets out a positive contribution by Save the Children to this process, outlining diverse approaches to implementing the UN Convention which have been tried in different states world-wide. Save the Children accepts that it provides only a snapshot of the activity being undertaken around the globe (and, indeed, within the various states mentioned), and that it does not necessarily deliver easy 'spray-on' solutions to the complex and intractable problems facing children in the modern world. Nevertheless, it suggests that change is possible if the political will and resources are there.

What are 'Children's Rights'?

In our society the concept of 'children's rights' causes some confusion. The view that children should have the right to be protected and provided for is relatively uncontroversial, even if the high-quality standards necessary to meet this aspiration are by no means always achieved in practice. The realisation of children's rights also means having due regard to the developmental needs of all children, including children who are marginalised or discriminated against. Providing appropriate care and protection for children is not, however, the only challenge.

Children are among the most powerless of social groups and often have very limited opportunities to be involved in key decisions which affect them. Recognising their competence and valuing their potential contribution – individually and collectively – is a crucial prerequisite for creating a dynamic, participative society. This means respecting the individuality of children who are not merely dependent on adults, but also social actors in their own right.

Misunderstanding can arise because these different aspects of children's rights can elicit confusing responses from adults. On the one hand children are seen as immature, not yet competent, and in need of protection. On the other, they are increasingly seen as being able to take responsibility for their actions in the same way as adults.

The 1989 United Nations Convention on the Rights of the Child

The United Nations Convention on the Rights of the Child, which is the subject of this study, was adopted by the UN General Assembly in 1989. The UN Convention on the Rights of the Child is an agreement between the UN and individual states parties that have chosen to ratify it. Currently all but two countries (the USA and Somalia) have done so.

The Convention affirms that children's rights are indivisible, inalienable and universal, and by providing a new vision of children as active subjects rather than simply passive recipients of care, it acknowledges in international law children's rights to provision, protection and – for the first time – participation.

The 54 Articles of the Convention are applicable to all the central aspects of children's lives, encompassing the civil, cultural, political and economic rights of children, as well as basic human rights. They recognise both the vulnerability of children and their need for special protection and the independence of the individual child as an actor in her/his own right.

The Convention places a clear duty on governments to ensure that children enjoy full implementation of their rights. Yet despite the near unanimous ratification by state parties, children's rights world-wide continue to be violated every day (see box below).

Rights of the child – The challenge

'Very many millions of the world's children are suffering from violent civil or domestic conflict, or are exploited and abused in plantations and sweat shops. According to the International Labour Organization (ILO) there are 250 million child workers. An estimated quarter of a million children under 18 – some as young as seven – are at present serving as soldiers, while the number of children displaced from their homes as a result of violent civil conflict is about 30 million. Some estimates suggest that about 1 million children every year fall victim to some form of sexual exploitation and some 8 million children are living on the streets. In those parts of Africa with high HIV/AIDS prevalence many children are orphans; these children are more likely to have their rights denied or violated and their property taken away from them.

'Even where children are not suffering these extreme forms of abuse, the specific needs of children within households and communities are often not understood or explicitly acknowledged; their needs and interests are often overlooked and subsumed by the interests of other household members, who have more power to express themselves...'

Source: Department for International Development, *Eliminating World Poverty: A Challenge for the 21st Century*, White Paper on International Development, Cm 3789, (1997).

The Convention is an extremely useful and dynamic tool for governments to develop a comprehensive and co-ordinated approach to policy on children. Full implementation of the Convention should involve a review of all policy which impacts directly or indirectly on children. This can be approached in a tokenistic way by governments in order to meet the basic reporting obligations of the Convention. Alternatively – and far more usefully – it can be treated as an opportunity to review policy affecting children fundamentally and to initiate a process of public and professional debate, leading to a co-ordinated 'national agenda' for children. So far, relatively few countries have used the Convention in this way, although many are reforming particular aspects of policy against its framework.

The task is to translate the principles of the Convention into practical action at all levels of society and, as this study shows, a range of positive approaches have been developed by various states parties across the world.

One aim of this study is to examine examples of good practice from a selection of other countries, especially those at comparable stages of economic, social and political development. The purpose is not to compare one country favourably or unfavourably against another (something the UN Committee on the Rights of the Child has avoided), but to show what might be achieved when the Convention is applied imaginatively and purposefully to domestic policy in a cross-section of countries.

Ultimately our aim is to demonstrate what could be achieved in the UK by drawing on constructive ideas which have been tried elsewhere. This would mean taking a more radical and ambitious approach to children's rights than the UK has done so far.

The degree of success with which this can be achieved will have a fundamental impact on the quality of life of millions of UK children. What is more, the way a society treats its children is a key test of its commitment to investing in its future. Failure to support childhood development denies children the opportunity to reach their full potential in later life – and will in turn have a devastating impact on society's capacity to develop.

Summary and Aims of the Study

This study investigates the implementation of the 1989 UN Convention on the Rights of the Child in the UK, and contrasts the UK approach with those adopted in other states, particularly those at comparable stages of economic, social and political development. As a result, it seeks to identify how the UK can respond positively and dynamically to the tremendous challenge presented by the Convention. In undertaking this task in relation to the UK, the study can also provide information to international bodies, national governments, research institutes and non-governmental organisations (NGOs) world-wide that are interested in the impact of the Convention.

The UK is due to submit its next report to the UN Committee on the Rights of the Child in January 1999. Based on the detailed criteria drawn from the revised guidelines issued by the Committee, regarding the form and content of periodic reports from ratifying state parties to the Committee, the study addresses a number of central issues:

- the status of the Convention in relation to domestic law, and its invocation in domestic courts;
- the role of comprehensive reviews of domestic legislation to assess compliance with the Convention;
- the adoption of new laws, amendments or codes in domestic legislation to ensure compliance with the Convention;
- present and planned governmental structures at national, regional and local level for ensuring effective co-ordination of policies relevant to children;
- the establishment of a specific government or independent body to promote the rights of the child, such as an 'ombudsperson' or 'commissioner' for children;
- the drawing up and implementation of 'national agendas' for children;
- steps to ensure periodic evaluation of progress on the implementation of the Convention;
- measures to ensure the systematic gathering of data and information on children;
- attempts to identify the proportion of spending devoted to children within the overall national budget or within departmental budgets;
- initiatives to make the Convention widely known to adults and children;
- publicising the report of the state party and the concluding observations of the UN Committee;
- the participation of NGOs in the reporting process.

In attempting to seek answers to this comprehensive and wide-ranging set of questions, a number of stages were embarked upon in this research. First, a literature review of appropriate documents was undertaken. This involved examining available state party reports, summaries of UN Committee hearings, and the concluding observations of the Committee on the reports. Secondary literature on children's rights was also consulted through UK-based and international documentation centres. Based on analysis of this documentation and on the assessments of Save the Children staff and other international contacts, NGO staff and government officials in a core group of countries were encouraged to fill in a brief questionnaire designed to explore the key issues outlined above. Following the distribution of the survey, a wide range of responses were received, providing varying levels of information and detail. To follow up the survey, a number of individuals were, in addition, interviewed on the phone.

In terms of its structure, the study first outlines arguments for the promotion of children's rights, explains the significance of the UN Convention and identifies how the Convention can be used as a tool for implementing children's rights. The main bulk of the study then compares the approaches to reporting adopted in other countries and the measures put in place to support implementation of the Convention. It also examines recent developments in the UK, draws out conclusions, and provides recommendations as to how positive approaches to reporting and implementation can be most effectively pursued within the UK.

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Towards a New Agenda for Children in the UK

The change of government in May 1997 has undoubtedly injected new thinking into the policy-making process which is likely to affect children significantly, both directly or indirectly. A new set of political themes is coming to the fore, such as tackling social exclusion, welfare reform, the promotion of human rights, and maintaining a less confrontational relationship with the European Union.

Particular policy initiatives have also emerged which are likely to have a considerable impact on children, such as setting up a Social Exclusion Unit; establishing Ministers for Children in Scotland and Wales; taking measures to improve school performance; providing additional financial support for many families with children; developing a 'national childcare strategy'; and introducing a 'welfare to work' programme. (Further details are set out in subsequent sections.)

Although it is too early to judge the overall impact of these changes, Save the Children hopes that these new initiatives can be built on and expanded to develop a co-ordinated and high-profile approach to children's rights in the UK.

In a key document published in 1995, *Towards a children's agenda*, Save the Children drew on its experience in both the UK and overseas to argue that policy-makers and planners around the world needed to pay much more attention to children if societies were to thrive and offer everyone the opportunity to reach their full potential. The report went on to suggest that children were being systematically neglected when policies were developed and implemented, with an extremely damaging impact both on children and on societies as a whole.

Towards a children's agenda calls for children to be placed at the heart of policy-making, and argues that the damage to children which currently occurs reflects the failure to listen to children and to value their social, economic and cultural contributions to our society. It also recommends the collection of child-specific information which explores the real lives of children, instead of hiding them within 'households' and 'families'. It concludes by urging the use of the UN Convention on the Rights of the Child as a valuable framework for monitoring and evaluating law, policy and practice specifically affecting children.

Save the Children believes that these recommendations are still highly relevant to the promotion of children's rights, and could provide the essential philosophical underpinning for a new approach – a new 'children's agenda' – for all parts of the UK. Moreover, grassroots initiatives are emerging which show clearly how the

Towards a children's agenda

The report argues that the welfare and treatment of children is a key test of society's commitment to human and social development, because:

- children are the most powerless group in society
- childhood is a once-and-for-all window of opportunity for biological and social development
- failure to support development in childhood has permanent and irreversible effects for individual children and has a massive impact on society's capacity to develop
- children are social actors as much as adults
- children's experience of their treatment by adult society will mould their own approach to social development.

'Within the constraints and opportunities of its context, culture and resources, every society must be judged according to its commitment to a Children's Agenda.'

Source: Save the Children, *Towards a children's agenda*, London, (1995).

participation and involvement of children and young people in their communities and in shared decision-making can bring real benefits to community life. A central aspect of the challenge of children's rights in the UK today is that of translating the lessons of these local initiatives to national level. The case is set out in detail in a more recent Save the Children publication, *All together now: Community participation for children and young people*. This quotes key examples of the ways in which children and young people have contributed their views effectively at local government level and to other local decision-makers, and argues for developing initiatives by which children and young people can influence central government policy-making (see box right).

Valuing community participation for children

'Many of the most difficult problems facing government today cannot be adequately addressed without involving children and young people in finding solutions, and accommodating their perspective and needs in policy-making. For example, urban regeneration, rural development, environmental sustainability, transport policy, and training and education policy would all benefit from the active input of children and young people. If we are to build a cohesive and well-functioning society we cannot afford to go on ignoring the point of view of children and young people and allowing them to bear the brunt of economic and social exclusion.'

Source: Save the Children *All Together Now: Community participation for children and young people*, London, (1997).

UK Reports to the UN Committee on the Rights of the Child

The UK Government ratified the UN Convention on the Rights of the Child on 16 December 1991, and the Convention entered into force for the UK on 15 January 1992. As outlined above, ratifying governments are under an obligation to submit periodic reports to the UN Committee on measures adopted and the progress made in their country in implementing the rights in the Convention.

The UN Committee's 1991 guidelines for initial reports make it clear that the Committee regards the process of reporting as extremely significant:

> '...the process of preparing a report for submission to the Committee offers an important occasion for conducting a comprehensive review of the various measures undertaken to harmonise national law and policy with the Convention and to monitor progress made in the enjoyment of the rights set forth in the Convention. Additionally, the process should be one that encourages and facilitates popular participation and scrutiny of government policies.'
> (Committee on the Rights of the Child, *General guidelines regarding the form and content of initial reports to be submitted by States Parties under Article 44, paragraph 1(a) of the Convention*, CRC C 5, 15 October 1991.)

However, despite these expectations, the previous UK Government appears to have given limited priority to the Convention. In the introduction to its first report, the Government argued that:

> 'The United Kingdom, while not complacent, can claim with some confidence to have a good record in general on its treatment of children.'
> (*Initial Report of the United Kingdom of Great Britain and Northern Ireland*, CRC C 11 Add.1, 28 March 1994.)

Yet, although the treatment of children in the UK may indeed compare favourably with that in many other countries, there is evidence that the Government adopted a rather complacent attitude to the UN Convention. In January 1995, the UK Government's report was examined by the UN Committee in Geneva. In its concluding observations, alongside praise for certain measures, the Committee set out a detailed range of criticisms and proposals, several related in particular to failures to implement the general measures defined in Articles 4, 41, 42 and 44 (paragraph 6). Baroness Cumberlege, Parliamentary Under-Secretary of State at the Department of Health, said that the Government had 'no plans' to respond to the observations of the Committee (House of Lords Report, Column 1577, 2 March 1995). Indeed, no public review of the Committee's findings was ever held.

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In January 1999, the UK's second report to the UN Committee will be due. This occasion will provide a real test of the Government's desire to comply with its international obligations under the Convention, and therefore of its stated commitment to playing a leadership role in international affairs.

At this stage, the signs are extremely positive – the Government appears determined to adopt a constructive approach. In an earlier article setting out the Government's plans for the future of children and young people in the UK, the Under-Secretary of State for Health, Paul Boateng MP, argued that:

> 'There are many challenges ahead as we move to the millennium. We will be guided by the three overarching principles of the UN Convention on the Rights of the Child: Non discrimination, the child's best interest and the child's view. I regard the development in a real and practical sense of article 12 (a child's right to be involved) as particularly important...
>
> '...We have recently begun work in the Department on planning our preparation for the next Report to the UN Committee on the Rights of the Child. Children and young people will for the first time be actively involved in this process. I want its final product to be one for which we all feel a sense of ownership. It must tell it like it is whilst at the same time mapping out a clear vision for the future. Our children are entitled to nothing less.'
> (Boateng, P., *Childright*, September 1997, No. 139.)

Save the Children welcomes these sentiments, as well as the fact that the Government has established a UN Convention advisory group, including representatives from various government departments, local government, and NGOs across the UK. The production of the new UK report provides an excellent opportunity for the Government to work with the appropriate 'stakeholders' – local government, NGOs, communities, families and, most importantly, children – to develop a coherent and exciting 'children's agenda' for the new millennium. Save the Children would also like to see constructive debate in Parliament and in the media on these issues in order to develop consensus around a comprehensive policy agenda for children.

The 1989 UN Convention on the Rights of the Child

The Philosophy Behind the UN Convention

The 1989 UN Convention on the Rights of the Child is the first international treaty to be truly rooted in a coherent, positive and dynamic children's rights philosophy. It has emerged as a result of a complex mix of factors: the evolution of the concept of childhood since the beginning of the twentieth century; the development of a wider 'human rights project' following the second world war; and the knock-on effect for children of changes in the role and status of women in society and growing recognition of women's distinct interests, especially within the family (Verhellen, E., 'Children's rights in Europe', *International journal of children's rights* no. 1, [1993]).

All the international instruments relating to children which preceded the 1989 UN Convention – the 1924 League of Nations Declaration on the Rights of the Child; the 1959 UN Declaration on the Rights of the Child; and many of the other private and public international law treaties of the 1960s and early 1970s – are primarily concerned with the provision of children's economic, social and psychological needs rather than their entitlement to human rights, and are largely based on the assumption that children's welfare is dependent upon that of their parents. The language of these instruments mirrors this approach: 'The child will be given...' is an often-used phrase. The 1989 Convention reflects a more active approach to children: 'The child has the right to...' is the new formulation.

The real philosophical and political significance of the Convention is well summarised by a member of the UN Committee on the Rights of the Child (the official body in charge of monitoring and implementing of the Convention by states parties):

> 'The Convention on the Child has introduced a new vision of children. The child is not to be simply envisaged as a vulnerable human being, needing special attention and assistance, but should rather be respected as a subject of rights, having the right to express views freely and see those views taken into consideration, the right of being informed and consulted on matters affecting his or her life, of sharing decisions with adults. This reality is not gained against the rights of parents or as an alternative to the rights of adults, but as a simple recognition of the human dignity of the child with inherent fundamental rights and freedoms...
>
> 'But the Convention has further called for children to be given visibility and a distinct and priority consideration. Their situation and their rights cannot continue to be envisaged solely in the general framework of policies addressed to the whole population. They are not a simple accessory or reflexive element, preparing to become capable and competent and deserving to be taken into account only when adulthood is attained. They have special needs in view of their evolving capacities and the importance of preparing them for an active and individual life in a free society. Moreover, in all actions concerning them, the best interests of the child should be a primary consideration...'
> (Santos Pais, M., *Accountability and monitoring children's rights in Europe*, speech in Florence, November 1996.)

The UN Convention as a Framework for Children's Rights

As well as providing a new vision of children, the Convention affirms that children's rights are human rights. As such, children's rights under the Convention are regarded as:

- **indivisible**, combining holistically for the first time within an international human rights instrument the major families of rights (civil, political, cultural, economic and social);
- **inalienable**, so that no child can be deprived of such rights without losing his or her dignity;
- **universal**, based on the absolute value inherent in all human beings, regardless of the national, religious, social, cultural or other group to which they belong.

Flowing from these core values, the Convention provides a set of minimum standards relating to children's rights which should underpin the development of law, policy and practice. These standards can be broken down into the three main categories outlined on page 12 – provision, protection and participation.

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- The **provision** sections address the right to access to certain benefits and services (e.g. health care, education, social security, physical care, family life, play, recreation, an adequate standard of living).
- The **protection** sections address the right to be protected against certain forms of behaviour (e.g. discrimination, physical abuse, exploitation, substance abuse, injustice and conflict).
- The **participation** sections address the right to enjoy a range of activities and freedoms, such as freedom of expression, information, thought, conscience, religion and association.

The Convention also contains innovative and comprehensive monitoring mechanisms, and recognises implicitly a formal role for NGOs for the first time in an international human rights treaty. Article 44, in particular, defines a systematic reporting process, placing governments under an obligation to submit reports to the UN Committee on the Rights of the Child on measures adopted and progress made in their country in implementing the Convention. These reports must be submitted initially within two years of the entry into force of the Convention for the state concerned, and subsequently at five-year intervals.

The UN Convention as a Tool for Implementing Children's Rights

The Convention has now been ratified by 191 states and has become, within an exceptionally short period, the international human rights instrument with the largest number of ratifications. Moreover, several of the ratifying countries had never before adhered to a human rights treaty or accepted a system of international monitoring.

But despite the virtually unanimous ratification by states parties, every day the rights of children continue to be violated in all parts of the world. Sadly, ratification alone will not instantly protect all those children from the violence, exploitation and neglect to which they are often routinely subjected.

The Convention is not therefore a panacea. However, it is an extremely useful and dynamic tool for the protection and promotion of children's rights for local and central governments, and groups and individuals working with and for children at all levels. This has been explicitly recognised by the UN Committee on the Rights of the Child. Commenting on its revised guidelines for states parties, aimed at structuring the reporting process and the ensuing dialogue with the states party, the Committee indicated that:

> '...it had in mind the need for a dynamic approach to the situation of children, and the catalytic role played by the concluding observations adopted following the consideration of the initial reports submitted by States Parties.'
> (Committee on the Rights of the Child, *Methods of work of the committee*, Report on the 13th session, CRC/C/57, 31 October 1996.)

The revised guidelines identify key general measures of implementation, citing in particular Articles 4, 41, 42, and 44, paragraph 6 of the Convention (Committee on the Rights of the Child, *General guidelines regarding the form and content of periodic reports to be submitted by state parties under Article 44, paragraph 1(b) of the Convention*, CRC/C/58, 20 November 1996). These Articles are set out in the first box on page 13.

The monitoring undertaken by the UN Committee since it began work in 1992 has demonstrated that so-called developed and industrialised countries as well as developing countries face significant challenges in achieving full implementation of the Convention.

In order for the Convention to 'come alive' it is vital to mobilise the necessary political will, and to translate the principles outlined in the Convention into practical action at local, national and international levels. Within the European context, this need has perhaps been most clearly acknowledged by the Parliamentary Assembly of the Council of Europe's 1996 Strategy for Children, which argues that children's rights must become a political priority, and sets out a series of recommendations for measures to achieve this (see second box on page 13).

UN Convention on the Rights of the Child (Extract)

Article 4
States Parties shall undertake all appropriate legislative, administrative, and other measures, for the implementation of the rights recognised in the present Convention. With regard to economic, social and cultural rights, States Parties shall undertake such measures to the maximum extent of their available resources and, where needed, within the framework of international co-operation.

Article 41
Nothing in the present Convention shall affect any provisions which are more conducive to the realisation of the rights of the child and which may be contained in:

(a) The law of a State Party;
(b) International law in force for that State.'

Article 42
States Parties shall undertake to make the principles and provisions of the Convention widely known, by appropriate and active means, to adults and children alike.

Article 44, paragraph 6
States Parties shall make their reports widely available to the public in their own countries.

European Strategy for Children (Extract)

7. The Assembly also recommends that the Committee of Ministers invite the States grouped together in the Council of Europe to make children's rights a political priority

i) by adopting at national and local level a proactive childhood policy which seeks full implementation of the Convention on the Rights of the Child, which will consider the best interests of the child as a guiding principle of all action and which will anticipate situations instead of trying to deal with emergencies or problems that have already arisen;

ii) by making children more visible through the systematic collection of information, in particular reliable, detailed (by age and gender), comparable statistics which will make it possible to identify their needs and the issues which require priority political action;

iii) by adopting a comprehensive, consistent and co-ordinated approach to childhood policy, which will encourage multi-disciplinary structures to be put in place at all deliberation and decision-making levels, in particular at ministerial level, and foster the creation of national coalitions of all relevant partners;

iv) by appointing a commissioner (ombudsman) or another structure offering guarantees of independence, and the responsibilities required to improve children's lives, and accessible to the public through such means as local offices;

v) by ensuring, especially at policy-making level, that the interests and needs of children are always duly considered and taken into account, for example by introducing practices such as the 'child impact statement' which offers a way of determining the probable impact on children of any proposed legislative, regulatory or other measures in whatever field, for example, in the field of legal aid;

vi) by investing in children and giving them budgetary priority by allocating adequate and fair resources in relation to spending on the needs of the other sections of the population at all levels (national, regional, local).

Source: Parliamentary Assembly of the Council of Europe, Report on a European Strategy for Children, 24 January 1996.

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The issues raised by the UN Committee in its concluding observations on the reports of many states world-wide are similar to the issues raised in the European Strategy for Children.

These include ensuring that legislation complies with the Convention; reviewing the status of the Convention in relation to the law; introducing mechanisms at all levels for ensuring effective co-ordination of policies relevant to children; establishing specific independent bodies to promote the rights of the child; gathering systematic data and information on children; analysing budgets to identify the proportion of spending devoted to children; and consulting or involving children in decisions which affect them. These remain the central tasks for international bodies, national and local governments, NGOs, and individuals in implementing children's rights.

PRACTICAL APPROACHES TO IMPLEMENTING THE UN CONVENTION

The Legal Status of the Convention

The relationship between international and national legal systems is a complicated one, and a state may comply with its international obligations in a variety of ways. In some countries, treaties can have 'direct applicability'. In other words, the international convention is regarded as part of domestic law, and obligations can be invoked before a national judge.

In other countries, such as the UK, a clear distinction is made between domestic and international law, and an obligation undertaken under international law has effect in the domestic legal system only after it has been transposed into national law. These core differences in approach must be borne in mind when assessing the status of the UN Convention in domestic law (Pas, W., 'International human rights law and its relation with national law: Monism, dualism and the self-executing character of human rights', in Verhellen, E., (ed.), *Understanding Children's Rights*, University of Ghent, [1996]).

The UN Committee's general guidelines for state party reports request governments to:

> 'Please indicate the status of the Convention in domestic law:
> – With respect to recognition in the Constitution or other national legislation of the rights set forth in the Convention;
> – With respect to the possibility for the provisions of the Convention to be directly invoked before the courts and applied by the national authorities;
> – In the event of a conflict with national legislation.'
> (Committee on the Rights of the Child, *General guidelines regarding the form and content of periodic reports to be submitted by states parties under Article 44*, paragraph 10(b) of the Convention, CRC/C/58, 20 November 1996.)

They go on to request that, in light of Article 41, any provisions adopted in national legislation which are more conducive to realising the rights of the child should be highlighted. Information should also be provided on judicial decisions applying the principles and provisions of the Convention, and on remedies available in case of violation of the rights recognised by the Convention.

Below are set out some examples of legislative measures adopted in practice by states to meet the expressed aspirations of the UN Committee.

Incorporating the Convention within Domestic Law

Perhaps the most fundamental way in which children's rights and the status of the Convention can be recognised is by the inclusion of a special section on children within either existing or new national Constitutions.

Nepal

In relation to Nepal, for instance, the UN Committee:

> '...notes the efforts made by the Government in the field of law reform, especially the adoption of a new Constitution – with a special section to ensure the rights of the child – and the Children's Act which covers many areas concerning children's rights.'
> (*Concluding observations on the initial report of Nepal*, CRC/C/15/Add.57.)

Jamaica

In the case of Jamaica, the Committee welcomed the commitment shown by the Government to fulfilling its obligations under the Convention:

> 'That commitment is reflected in the intention to include child rights in the constitutional reform currently underway, and in the legislative review which aims at bringing national legislation into conformity with provisions of the Convention, including through the drafting of a child care and protection act.'
> (*Concluding observations on the initial report of Jamaica*, CRC/C/15/Add.32.)

Other developing countries, among them several which have suffered considerable periods of civil war or unrest in recent times, either have stated their intention to explore constitutional reform or have already carried it out.

South Africa

In South Africa, following the dismantling of the apartheid regime, the Government faces a huge challenge in improving the living standards of black children. For example, the national under-five mortality rate is estimated to be 115-120 per 1,000, a figure which probably significantly downplays the actual rate among African children, 70% of whom live in rural areas

(National Institute for Economic Policy, *Children, poverty and disparity reduction: Towards fulfilling the rights of South Africa's children*, Johannesburg, [1995]). In addition, more than six out of 10 African children are living in overcrowded homes, compared with one in 100 white children (CASE Survey, [1995]), Kaiser Family Foundation).

Reversing long-standing and dramatic inequalities such as these will depend to a great extent on the success of the Government's planned 'National Programme of Action for Children in South Africa'. However, the introduction of a totally new constitution will provide a key framework for such action, by granting fundamental rights to the black majority, guaranteeing the rights of minorities, and acknowledging the extensive cultural diversity of the population.

Several features of the new constitution are noteworthy. On a general level, it is based on a concept of rights which not only limits the powers of the state, but also obliges the state to create positive conditions to enable individuals to exercise their rights. It also encompasses not only traditional aspects of rights (e.g. freedom of religion, opinion, expression, and association), but also acknowledges, within budgetary constraints, economic, social and cultural rights. To reinforce the importance of the framework of fundamental values provided by the new constitution, four million copies have been distributed in pocketbook form. Written in plain English, it is intended to achieve the widest possible understanding and dissemination – an aspect which is naturally important to children too.

Article 28 specifically addresses the rights of children and Article 29, the right of everyone to education (see box below). Article 28 is interesting in that it is directly based, to a significant extent, on the formulations provided by the UN Convention. In its treatment of the

Constitution of the Republic of South Africa (Act 108 of 1996) (Extract)

Article 28

(1) Every child has the right –
- (a) to a name and a nationality from birth;
- (b) to family care, parental care, or appropriate alternative care when removed from the family environment;
- (c) to basic nutrition, shelter, basic health care services, and social services;
- (d) to be protected from maltreatment, neglect, abuse, or degradation;
- (e) to be protected from exploitative labour practices;
- (f) not to be required or permitted to perform work or provide services that –
  - (i) are inappropriate for a person of that child's age; or
  - (ii) place at risk the child's well-being, education, physical or mental health, or spiritual, moral, or social development;
- (g) not to be detained except as a measure of last resort, in which case, in addition to the rights a child enjoys under sections 12 and 35, the child may be detained only for the shortest appropriate period of time, and has the right to be –
  - (i) kept separately from detained persons over the age of 18 years; and
  - (ii) treated in a manner, and kept in conditions, that take account of the child's age;
- (h) to have a legal practitioner assigned to the child by the state, and at state expense, in civil proceedings affecting the child, if substantial injustice would otherwise result; and
- (i) not to be used directly in armed conflict, and to be protected in times of armed conflict.

(2) A child's best interest is of paramount importance in every matter concerning the child.

(3) In this section, 'child' means a person under the age of 18 years.

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key 'best interests' principle it also goes further than Article 3 of the Convention by acknowledging the 'paramount' rather than just the 'primary' importance of this principle.

Slovenia

Within Europe, political transition has similarly led to the rewriting of constitutions in a way which has significance for children. With reference to Slovenia, a new state which has not only moved to a market-orientated economy but also experienced considerable problems as a consequence of war in the region, the UN Committee:

> '...notes with appreciation the steps taken by the Government to promote democracy and human rights in society, including through constitutional provisions. In this regard, it welcomes the introduction in the 1991 Constitution of a specific chapter on human rights and basic freedoms, within which the rights of the child are also defined.' (*Concluding observations on the initial report of Slovenia*, CRC/C/15/Add.65.)

Poland

In Poland, the country which originally drew up the preliminary draft of the UN Convention in 1978 and maintained a leading role throughout the 11-year gestation period, the principle of the 'best interests' of the child is reflected in Article 72 of the new constitution of the Polish Republic of 2 April 1997. This sets out that in implementing children's rights, state authorities and persons responsible for the child are obliged to listen to the child's opinion and, where possible, to take it into account. The constitution also envisages the establishment of an office of Ombudsman for Child Affairs.

Progress has, however, not been uniform in countries which have amended their constitutions.

Germany

In Germany, where the constitution had to be revised due to re-unification, although some progress has recently been made by minority groups (for instance, an amendment has enshrined new rights for disabled people), a comprehensive reference to children's rights has not been added. A report from the National NGO Coalition for the Implementation of the UN Convention highlighted that the existing text only mentioned explicitly the right of the child to protection, and argued that provision should be added as a separate right. But even this limited demand was rejected:

> 'This was mainly justified by asserting that children could implicitly lay claim to all the basic rights and that the 'parental duty' to educate and care for their children, which had already been laid down in the previous Constitution, provided an adequate framework allowing children to obtain their rights.' (*Assessment of the initial report of the Federal Republic of Germany by NGOs*, 20/3/95.)

Nevertheless, the German delegation informed the UN Committee that Germany would consider incorporating the UN Convention in the German constitution, information which was welcomed by the Committee (*Summary record regarding Germany*, CRC/C/SR.245, *Concluding observations on the initial report of Germany*, CRC/C/15/Add.43).

Iceland

Advances in states where economic, political and social upheaval has not taken place appear to have been somewhat haphazard too. In Iceland, for example, the Human Rights Chapter in the constitution was extensively revised in 1995, reflecting the provisions of various international human rights instruments to which Iceland is a party. Provision for children was updated. In a written submission to the UN Committee, the Government argued that:

> '...the provision in Section 76(3) stipulates that the law shall guarantee for children the protection and care which their welfare demands. This provision has the nature of an important policy declaration, which was lacking in the previous human rights provisions. It is mainly modelled on Article 3 of the Convention on the Rights of the Child and is first and foremost intended to impose on the legislator the obligation to provide the above guarantees. When interpreting what is necessary for the protection and care of children's welfare, the Convention on the Rights of the Child plays a key role as a comprehensive instrument dealing with all aspects

of matters concerning children and their rights in general.'
(*Reply to list of issues raised by the UN Committee by the Government of Iceland*, 9/1/96.)

Despite this statement, Barnaheill (Save the Children Iceland) has, however, argued that the provision should be strengthened to include a statement to the effect that the best interests of the child should always be of prime consideration when decisions that affect the child are made. Furthermore, the organisation argues that, in relation to education, the new statutes unfortunately no longer make it a requirement for schools to set up a pupils' council, and that this is a retrograde step (*Supplementary report to the Icelandic report on the implementation of the Convention on the Rights of the Child*, June 1995).

Norway

Although the Government in Norway stated in January 1989 that international human rights conventions should be incorporated into Norwegian law, an official committee put forward a proposal in 1993 that this approach should apply only to the main human rights conventions. Whilst the committee suggested that these should include the International Covenant on Civil and Political Rights of 1976, the International Covenant on Economic, Social and Cultural Rights of 1966, and the European Convention on Human Rights of 1950, the UN Convention on the Rights of the Child was considered a special convention and therefore excluded. A bill to this effect was considered by Parliament in 1997, despite the opposition of organisations such as Redd Barna (Save the Children Norway) (SCF survey). Echoing Redd Barna's view, the UN Committee opined that:

'In case the Government of Norway should decide to amend its Constitution to include therein a special provision on the incorporation of certain human rights treaties, the Committee would like to encourage the incorporation of a reference to the Convention.'
(*Concluding observations on the initial report of Norway*, CRC/C/15/Add.23.)

The Finnish Government, meanwhile, reformed the constitution in 1995 to include human rights and children's rights fundamental principles (see box below).

Finland – reforming the constitution to reflect children's rights

At the end of 1993, the Government submitted a proposal to Parliament to reform legislation on fundamental rights (HE 1309/93). The existing constitution had been drafted before Finland became a party to international human rights treaties, and the purpose of the reform was therefore to expand the constitution to make it comply with Finland's human rights obligations.

The Government has argued that the UN Convention had a direct effect on the preparation of the reform. There is now a specific provision in the constitution on the treatment of children (Article 5, paragraph 3):

'Children shall be treated equally as individuals, and they shall be allowed to influence matters affecting them according to their level of maturity.'

According to the Government's report to the UN Committee,

'The provision is designed to emphasise that children should be treated as equal to the adult population and seen as persons who, in principle, have fundamental human rights equal to those of adults. The provision also serves to indicate that each child should be treated not merely as a passive object of action but as an individual person.'
(*Initial report of the Finnish Government to the UN Committee on the Rights of the Child*, CRC/C/8/Add.22.)

There is also a provision in the revised constitution on government's responsibilities in relation to taking care of children (Article 15a, paragraph 3):

'...Government shall also support the opportunities of families and others responsible for the care of children to secure the child's welfare and individual growth.'
(*Answers of the Government of Finland to the questions of the Committee on the Rights of the Child*, 8/1/96.)

UK

As indicated above, in the UK, international treaties can be incorporated into domestic law only by Act of Parliament. Although the incorporation of the UN Convention on the Rights of the Child seems at present an unlikely possibility, there is a striking contemporary precedent for such a move.

The current Government has recently published a human rights bill (Home Office, *Rights brought home: The human rights bill*, [1997], Cm 3782), which will incorporate the European Convention on Human Rights in UK law. This will provide a remedy in the UK courts for breaches of human rights for those who up to now have had to wait years before obtaining redress at the European Court of Human Rights in Strasbourg. But more than this, the bill could also have a profound effect on the political culture in the UK by requiring ministers and officials to take into account the implications for human rights before enacting new legislation. And to ensure effective scrutiny, the Government recommends that a parliamentary human rights committee be established.

In the past, the European Convention of Human Rights has had some significant implications for children. For example, in a recent case (*A. v. the United Kingdom*) based on Article 3 (the right to protection from cruel, inhuman and degrading punishment), where a stepfather had repeatedly beaten his 12-year-old stepson with a garden cane, the European Court of Human Rights found in November 1997 that the punishment was degrading. As a result, the UK Government will have to clarify the law, restricting the defence of 'reasonable chastisement'. Another important case involving children concerns the mandatory indeterminate custodial sentence for murder ('detention at Her Majesty's Pleasure'), which the European Court found in breach of Article 5(4), which states that if deprived of liberty an individual must have the right to challenge the lawfulness of that detention. Legislation leading up to and including the Children Act 1989 has also reflected improvements triggered directly by Strasbourg cases or the threat of bringing applications. For example, the content of section 34 of the Children Act in respect of contact to children in care was influenced by European Convention on Human Rights rulings, and the Secure Accommodation Regulations 1983 came into existence, in part, because of the threat of action in Strasbourg in relation to a particular case (Levy, A., 'Incorporating the European Convention on Human Rights', *Childright*, January/February 1998, No. 143). Other judgements have strengthened the rights of children based on Article 8 (the right to respect for family life), recognising equal rights for illegitimate children, giving children of separated parents the right to be allowed to remain in contact, and granting a child the right of access to his or her social services files.

Despite the benefits which will result from incorporation and the positive advances for children in the cases cited above, it could be argued that the European Convention of Human Rights will not, of itself, provide an adequate framework for the protection of children's rights. The European Convention on Human Rights only addresses a limited range of children's rights, lacks a specific child focus, and provides a lower set of standards than those set out in the UN Convention on the Rights of the Child (Lansdown, G., *The European Convention of Human Rights: Implications for Children*, Speech at conference 'Children's Rights = Human Rights?', Edinburgh, 9 July 1997).

Nevertheless, it is to be hoped that incorporation will encourage the UK Government and Parliament to take more account in future of other human rights treaties which have been ratified by the UK. In relation to children, the key text clearly remains the 1989 UN Convention on the Rights of the Child.

Precedence of the Convention over Domestic Law

In several states world-wide, the Convention takes precedence over domestic law.

Argentina

In Argentina, where legislative improvements in the situation of children and their families have been a notable result of the establishment of democracy since 1983, the principles of the Convention are part of Argentine law:

> 'In a recent decision, the Supreme Court of Justice held that any international treaty takes precedence over laws, regulations and other internal rules of a

legislative nature which contradict it. Since the 1994 constitutional reform, there is no doubt that the rights enshrined in the UN Convention on the Rights of the Child constitute an operative instrument.'

(Grosman, C.P., 'Argentina – Children's rights in family relationships: The gulf between law and social reality', in Freeman, M., (ed.), *Children's rights – A comparative perspective*, Dartmouth Publishing Company, [1996].)

Japan

The position is similar in Japan, despite the strong degree of control which has traditionally been exerted by parents over their children and the resulting lack of recognition of the independent interests of children from those of their parents. The approach adopted to international treaties is that they are signed by the Government and approved by Parliament before they are ratified. They are then incorporated into the Japanese legal system without transforming national law:

'Since the Constitution provides that treaties to which Japan is a party should be observed faithfully and, as the approval of the Diet is needed, it is generally agreed that international treaties are superior to national law. Therefore, before ratification, all laws, and the application of those laws, are reviewed. If there is a conflict, the national law is changed.'

(Matsushima, Y., 'Controversies and dilemmas: Japan confronts the Convention', in Freeman, M., (ed.), *Children's rights – A comparative perspective*, Dartmouth Publishing Company, [1996].)

Senegal

With respect to the African state of Senegal the UN Committee:

'...welcomes the fact that Senegal applies the principle of the primacy of international human rights standards over national legislation. The Committee also notes with satisfaction the fact that the Convention is self-executing and that its provisions may be invoked before the court.'

(*Concluding observations on the initial report of Senegal*, CRC/C/15/Add.44.)

Bulgaria

And in relation to Bulgaria:

'The Committee welcomes the fact that according to the Constitution international instruments ratified by Bulgaria are part of the country's domestic law and enjoy superiority over norms of domestic law that contradict them.'

(*Concluding observations on the initial report of the Government of Bulgaria*, CRC/C/15/Add.71.)

Western Europe and Belgium

Similar arrangements apply in some Western European states, such as Portugal and Italy. And in Belgium, international treaty law has taken precedence over all domestic provisions since 1971, as a result of a ruling by the Court of Cassation (Hof van Cassatie), but it is for the courts to decide whether a particular international convention is directly applicable or not in particular cases. The UN Committee welcomes the fact that:

'...the Convention is self-executing and that its provisions may be, and in practice have been in several instances, invoked before the court. It also notes with satisfaction,the fact that Belgium applies the principle of the primacy of international human rights standards over national legislation in case of conflict of law.'

(*Concluding observations on the initial report of Belgium*, CRC/C/15/Add.38.)

UK

In the UK, the UN Convention on the Rights of the Child does not at present take precedence over domestic law, though interesting parallels exist with other treaties. For instance, the European Communities Act 1972 provides for European law, in cases where that law has 'direct effect', to take precedence over domestic law. However, it is a requirement of membership of the European Union that member states give priority to directly effective EC law in their own legal systems. This is not the case with respect to the UN Convention.

The example of the impending incorporation of the European Convention on Human Rights in domestic law is also instructive and may prove a more useful

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precedent. Under the present proposals, judges will in future be able to make a 'declaration of incompatibility' if they rule that a UK statute is in conflict with the European Convention on Human Rights. Such declarations 'will almost certainly prompt the Government to change the law' (Home Office, *Rights brought home: The human rights bill*, [1997], Cm 3782).

With regard to Acts of the Westminster Parliament the position will be the same in all parts of the UK, and all courts will be required to interpret legislation in a way which is compatible with the European Convention as far as possible. However, in relation to Acts of the Scottish Parliament when it is established, it appears that the Scottish Parliament and the Scottish Executive will have no power to legislate in a way which is incompatible with the Convention. Similarly, the Welsh Assembly will not have power to make subordinate legislation or take executive action which is incompatible with the Convention.

Although there is as yet no experience with this model in the UK in practice, there appears to be no reason in principle that would prevent the same procedure being applied to Conventions such as the UN Convention on the Rights of the Child, were it to be incorporated in domestic law at some stage in the future.

Invoking the Convention in Domestic Courts

If the Convention is 'directly applicable', it follows that it should be possible to invoke the provisions of the Convention before the national courts.

Chile

Commenting on the position in Chile, for instance, the UN Committee welcomes the fact that:

> '...the Convention on the Rights of the Child is self-executing in the State Party and that its provisions may be, and in practice have been, invoked before the courts.'
> (*Concluding observations on the initial report of Chile*, CRC/C/15/Add.22.)

Europe

In several European countries too, the Convention is frequently cited in the courts. This is true of some northern states such as Finland, and especially true of the Mediterranean countries – Italy, Portugal and Spain.

Spain

The Spanish state party report gives a full example of this with respect to the law on the administration of juvenile justice, outlining that:

> 'In this regard the Constitutional Court, in a judgement of 14 February 1991, has stated its position in regard to the 1948 legislation on juvenile courts, declaring unconstitutional the procedure which was followed in them. It took as a basis for the ruling the guarantees established by the Convention...'
> (*Initial report of the Spanish Government to the UN Committee*, CRC/C/8/Add.6.)

Following this judgement, and a subsequent report of the ombudsman which recommended new legislation, the Government amended the Act governing Competence and Procedure in the Juvenile Courts with Fundamental Act 4/1992 of 5 June, following the criteria of the Convention.

France

However, the situation is not always clear cut. In the case of France, for example, Article 55 of the constitution states that international Conventions take precedence over domestic law and that international human rights instruments are self-executing. Yet in March 1993, the Cour de Cassation stated that the provisions of the Convention were not directly applicable. Contradicting this view, the Conseil d'Etat considered in July of the same year that Articles 9 and 19 of the Convention did have direct applicability! The UN Committee observed of this ambiguous state of affairs that it was:

> '...unclear as to the status of the Convention on the Rights of the Child in the national legal framework, namely in the light of recent decisions adopted by the Cour de Cassation in this regard.'
> (*Concluding observations on the initial report of France*, CRC/C/15/Add.20.)

It is not just in those countries where the Convention is 'directly applicable' or incorporated into domestic law that the Convention can be invoked within the courts. This ignores the evidence of judicial practice in several states, where international treaties are becoming more frequently referred to as aids in interpreting national legislation.

New Zealand

In New Zealand, for instance, the Convention has been used in argument in the Court of Appeal in relation to immigration and custody cases (Henaghan, M., 'New Zealand and the UN Convention on the Rights of the Child – A lack of balance', in Freeman, M., (ed.), *Children's rights – A comparative perspective*, Dartmouth Publishing Company, [1996]). One response to the SCF survey indicated that:

> 'Although the Convention is not part of domestic law, courts will refer to it in interpreting legislation and in reviewing executive actions.'
> (Senior law lecturer, University of Auckland, New Zealand.)

Another respondent argued similarly that:

> 'The Convention has been cited in a number of proceedings and held to have force in the absence of contrary domestic law.'
> (Independent Children's Advocate, Auckland, New Zealand.)

This judicial extension of the use of international treaties has been fuelled by the fact that judges and lawyers are becoming more familiar with the use of 'rights' as the basis for arguing and deciding cases, partly because of the enactment in 1990 of the New Zealand Bill of Rights Act.

Europe

At European level, the European Court of Human Rights has also reflected the provisions of the UN Convention on the Rights of the Child – particularly the emphasis of Article 3 on the 'best interests' principle. For instance, in *Hendricks v. the Netherlands* (No. 8427/78 29 DR5 1982), the European Commission on Human Rights (the 'filter body' for the European Court) observed that where there are conflicts between the interests of the child and one of the parents 'which can only be resolved to the disadvantage of one of them, the interests of the child under Article 8(2) prevail' (Friel, J., 'The impact of the European Convention on Human Rights on UK education law', *Childright*, January/February 1998, No. 143).

In this light, it is interesting to speculate whether the same process will be observable in the UK following the pending incorporation of the European Convention on Human Rights in domestic law. Education law is likely to prove a significant testing ground, where it is to be hoped that the 'best interests' principle will similarly have some impact. So far, education law has, in practice, largely considered children's rights in education in the context of parental rights. Thus it is parents who have a right to chose a child's school and a right to challenge the local education authority's choice of a school for a child with special educational needs. Children, however, have little in the way of enforceable rights within legislation regulating the education system (Friel, J., 'The impact of the European Convention on Human Rights on UK education law', *Childright*, January/February 1998, No. 143).

UK

Whatever happens as a direct result of the incorporation of the European Convention on Human Rights, courts in England, Wales and Scotland have indicated that where the provisions of a UK statute require clarification, relevant international conventions can in any case be referred to.

This has occurred already in several cases where the UN Convention on the Rights of the Child has been invoked. In a recent appeal on behalf of the two boys convicted of the murder of Jamie Bulger, the House of Lords held that treating 10-year-old murderers in the same way as adults for the purposes of detention-review procedure was an unlawful exercise of discretion by the Home Secretary; of considerable significance in the Lords' decision was reference back to the welfare principles of the UN Convention (*R. v. Secretary of State for the Home Department, Ex parte Venables and ex parte Thompson* [1997] 3 WLR 23).

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Article 7 – the child's right to a name and to know the identity of his or her parents – has also been cited, though from different perspectives. In one case (Re H [*Paternity: Blood Test*] 1996 2 FLR 65 Court of Appeal), for example, a father was ordered by a court to have a blood test when paternity was disputed. But in others, Article 7 has also been used by fathers to justify continuing contact with their children, despite the fact that they have been violent towards their partners.

Although the fact that courts increasingly refer to the Convention is generally welcome, these contradictory cases suggest that when they do so, courts should bear in mind the interpretations set out by the UN Committee on the Rights of the Child in a range of published documents such as the concluding observations on the reports of states parties.

Reviewing and Harmonising Domestic Legislation

Conducting Reviews and Adopting New Laws

In its 1996 general guidelines regarding the form and contents of state party reports, the UN Committee indicates that states parties must provide relevant information on the measures adopted to bring national legislation and practice into full conformity with the principles and provisions of the Convention, including details of:

> '– Any comprehensive review of domestic legislation to ensure compliance with the Convention;
> – Any new laws or codes adopted, as well as amendments introduced into domestic legislation to ensure implementation of the Convention.'
> (*General guidelines regarding the form and contents of periodic reports to be submitted by states parties under Article 44, Paragraph 1(b), of the Convention*, CRC/C/58, 20 November 1996.)

Indonesia and China

It is clear that, in many countries, reviews were undertaken by government to assess the extent of compliance with the Convention. What is less clear, however, is how comprehensive reviews of domestic legislation have been in general. The UN Committee has highlighted the need for review in some states:

> 'The Committee believes that there is a need of a comprehensive review of the domestic legislation to bring it into line with the provisions of the Convention, to ensure that all children subject to the jurisdiction of Indonesia are adequately protected by the rights guaranteed under the Convention and to provide the basis for specifically targeted strategies as well as for monitoring progress made.'
> (*Concluding observations on the initial report of Indonesia*, CRC/C/15/Add.25.)

> 'The Committee recommends that a comprehensive review of the domestic legal framework be undertaken. Such a review requires that the provisions and principles of the Convention serve as both its guide and support and that it encompasses not only national but also local-level legislature and administrative measures impacting on the rights of the child.'
> (*Concluding observations on the initial report of China*, CRC/C/15/Add.56.)

The Netherlands and Zimbabwe

Although many states have undertaken some form of review, it is hard to assess the scope and depth of this, given the wide variety of administrative structures, resources and methods. Nevertheless, it is clear that in some states the initial review has led to further detailed reviews of specific aspects of legislation. In the Netherlands, for instance, a review of legislation on the sexual abuse of children is planned. In Zimbabwe, further reviews are also envisaged, primarily in relation to child labour, child sexual abuse and inheritance laws.

Norway

There is also evidence to suggest that some countries adopted a particularly active approach to reviewing their legislation. The Norwegian Government, one of the first to report, submitted a proposal (Proposition No. 104) to Parliament prior to the debate on ratification, and commented that:

> 'This proposition included a thorough legal review of the areas covered by the Convention on the Rights of the Child in relation to Norwegian legislation.'
> (*Initial report of Norway*, CRC/C/15/Add.23.)

Ireland

The approach in Ireland has also been forward looking:

> 'The completion of Ireland's first report under the UN Convention on the Rights of the Child, co-ordinated by the Department of Foreign Affairs, obliged all relevant Departments to reflect on how the laws and policies within their sphere of competence fulfilled the Convention obligations...'
> (Human Rights Unit, Department of Foreign Affairs, Ireland, response to SCF survey.)

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Reviewing legislation – the Austrian experience

In Austria, the Parliament unanimously passed a resolution on 26 June 1992 requesting the Federal Government to have independent experts review all laws and regulations pertaining to children to assess their conformity with the Convention. By 1 July 1993 the experts would have to report to the Parliament regarding any reforms that might be required, to submit drafts for the respective bills, and to prompt a review of relevant legislation at the level of the Länder.

Following in-depth analysis of the position of children, carried out with the participation of federal ministries and the Government of the Länder, a comprehensive 'experts report' was submitted to the Parliament by the Federal Ministry of the Environment, Youth and the Family in summer 1993. Although none of the experts found the Austrian legislation to be contradictory to the Convention, several did make suggestions for improving children's rights in the spirit of the Convention. The authors of the report noted that even though it had been established that the protection of the child was guaranteed by Austrian law, the legal position and the living conditions of children and young people should be further improved.

After the report was submitted to Parliament, it was discussed in detail between December 1993 and June 1994 during several meetings of a parliamentary sub-committee specifically established for this purpose, with all the authors, several NGO representatives and other experts participating. The Parliament, in its plenary session of 14 July 1994, took note of the experts' report and the deliberations of the Committee on Family Affairs and introduced a wide-ranging resolution regarding measures to realise the aims of the UN Convention, which was unanimously adopted by all political parties.

Source: *Initial report of Austria*, CRC/C/11/Add.14.

As well as evaluating the review process, it is also important to assess whether, as the Committee asks, any new laws or codes have been adopted or any amendments introduced in domestic legislation to ensure implementation of the Convention. Surveying the available evidence, there is no doubt that positive progress has been made in many states.

Central and Eastern Europe

Such progress has often been achieved in the face of extreme difficulty. The countries of Central and Eastern Europe face an enormous challenge in overcoming a legacy of authoritarianism and economic problems. But in the hazardous transition to democracy, dramatic increases in retail prices and unemployment have been commonplace. Existing social welfare systems have also frequently collapsed, with considerable reductions in spending on services such as nurseries, day centres, and pre-school groups. Yet despite these huge problems, steps have been taken to promote the practical implementation of the provisions of the Convention.

In Poland, a number of new Acts have been introduced since ratification in 1991, including an Act on the educational system (7 September 1991); this gives effect to Articles 2 and 30 of the Convention by enshrining the rights of ethnic minority children to an education which recognises their culture, language and identity (Stojanowska, W., Holewinska-Lapinska, E., 'Children's rights in Poland', in Freeman, M., *Children's rights – A comparative perspective*, Dartmouth Publishing Company, [1996]). A governmental commission on child abuse has also proposed constitutional reform to fully uphold children's right to physical integrity. Meanwhile in Croatia, government officials suggested, in discussion with the UN Committee in 1996, that a bill on family law, which was under preparation, would confirm the child's right 'not to be subjected to humiliating behaviour or any form of punishment or abuse', in line with Article 19. Similarly, in the Czech Republic, an initiative has been launched to define the term 'child maltreatment' in the penal code, again using Article 19 as a starting point (EPOCH, *Briefing on legality of physical punishment in the Council of Europe*, [1997]).

Chile

Considerable progress has also been made in other states which have undergone major legal and administrative reforms in the aftermath of periods of non-democratic rule. Of the situation in Chile, for example, where poverty continues to affect a large number of children, the Committee on the Rights of the Child noted in its concluding observations on the state report that:

> '...during the period under review important steps have been undertaken at the legislative level with a view to harmonising the national legislation with the provisions of the Convention, as well as the establishment of monitoring mechanisms including the National Service for Minors (SENAME), a public service under the Ministry of Justice charged with assisting and protecting children and young people in particularly difficult circumstances.'
> (*Concluding observations on the initial report of Chile*, CRC/C/15/Add.22.)

Spain

Within Europe, progress has also been made, not just in countries with a long-standing tradition of advanced social welfare law and services. In Spain, a country where the transition to democratic government has been relatively recent, a significant judgement of the Constitutional Court in 1991 declared unconstitutional the procedure that juvenile courts had been following in the past. The UN Committee noted with satisfaction that the ruling explicitly took up in full the terms of Article 40, paragraph 2(b) (*Concluding observations on the initial report of Spain*, CRC/C/15/Add.28).

Ireland

Legislation in Ireland, where social welfare support was very restricted until recently, has developed significantly in the 1990s. Although it can be argued that some of the changes which have been introduced might have occurred anyway, ratification of the Convention undoubtedly encouraged these developments. The 1991 Child Care Act represents a move away from the concept of children as parental property to an understanding of the child as a person who has rights by virtue of being a child, and updates all earlier legislation to take account of cases of neglect and abuse. In the same year, the Adoption Act was the first domestic legislation to govern inter-country adoption, and the Child Abduction and Enforcement of Custody Orders Act addressed trans-frontier abductions by one parent against the wishes of the other. More recently, the 1996 Children Bill is intended to overhaul completely existing youth justice legislation and replace it with a system based on the principles of diversion and restorative justice.

Although the general trend in the development of legislation in Ireland is therefore very positive, this optimism should perhaps not be overdone. In 1996, Ireland signed the European Convention on the Exercise of Children's Rights initiated by the Council of Europe and it proposes to ratify the Convention very quickly. But in the view of many experts, this text may in fact undermine the scope and approach of human rights inherent to the UN Convention. As one member of the UN Committee has written:

> '...it transforms a right of the child to express views freely in all matters affecting him or her, as well as the right to participate in any judicial and administrative proceedings affecting the child, into a simple opportunity the national law may grant to children with a view to allowing them to participate in family proceedings...'
> (Santos Pais, M., *Accountability and monitoring children's rights in Europe*, [1996], speech in Florence.)

Norway and Denmark

As so often in relation to issues concerning children's rights, the Scandinavian countries have demonstrated a particularly committed approach to harmonising law and policy with the Convention. In Norway, amendments to the Criminal Procedure Act have been introduced, enabling the Government to withdraw its only reservation regarding the Convention (Article 40 (2(b)(v)). In neighbouring Denmark, although the UN Committee argues that some principles of the Convention have not been adequately reflected in national legislation and policy-making (*Concluding observations on the initial report of Denmark*, CRC/c/15 Add.33), amendments have been introduced to improve the organisation of schooling for asylum-seeking children, and to separate juvenile delinquents from adults when detained. In 1997, the Danish Parliament

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agreed an amendment to the Parental Custody and Care Act which made all corporal punishment of children illegal.

Finland

Following a comprehensive review of legislation in Finland, reviewing and amending is still continuing in relation to some aspects of legislation. So far a number of measures have been taken to harmonise national law and policy with provisions of the Convention. For instance, the Ministry of Justice issued instructions in February 1994 to separate juvenile from adult offenders, in accordance with Article 37(c). Subsequently the Mental Health Act was also amended so that psychiatric treatment of children and young people was provided separately from adults. In relation to trafficking in children, an Act was passed in 1993 to permit Finland to ratify relevant international treaties, such as the 1980 Hague Convention on the Civil Aspects of International Child Abduction. Initiatives have also been taken to strengthen the rights of the child to be heard in the provision of social welfare and health care services. A significant reform of the penal code has been undertaken too. The Children's Ombudsman set up by an NGO, the Mannerheim League, has argued in relation to a recent bill to criminalise the possession of child pornography that:

> 'The UN Convention and the reporting process certainly contributed to the criminalisation.'
> (Children's Ombudsman, Mannerheim League, Finland, response to SCF survey.)

Sweden

With regard to Sweden, despite a severe economic recession in the 1990s, the UN Committee noted with satisfaction that:

> '...laws have been enacted and administrative measures proposed to harmonise the legal framework for the protection of children's rights with the requirements of the Convention.'
> (*Concluding observations on the initial report of Sweden*, CRC/C/15/Add.2.)

These have included amendments to the penal code in relation to sex crimes in order to strengthen the protection of children and young people from sexual exploitation and to further emphasise the seriousness of sexual crimes perpetrated against children.

UK

In the UK, however, a comprehensive review of domestic legislation was not undertaken when the Government first reported to the UN Committee. To initiate the reporting process, the Department of Health (DoH) wrote to all government departments reminding them that they had an obligation to ensure that legislation and policy for which they were responsible reflected the principles of the Convention, and asking them to review their position and consider what changes, if any, they needed to make to comply. The general response from government departments was that the appropriate measures were already being taken, in line with the principles of the Convention. The Government report therefore concluded that:

> 'Ratification of the Convention did not require any amendment to United Kingdom legislation.'
> (*Initial report of the United Kingdom of Great Britain and Northern Ireland*, CRC/C/11/Add.1.)

It is to be hoped that the new Government will enact its stated commitment to a more constructive approach to international treaty obligations by instigating a more thorough review of domestic legislation when it comes to deliver the second report to the UN Committee. It is welcome that the Government has already lifted the 'reservation' entered into by the previous administration on the operation of the system of 'children's hearings' in Scotland, and is reviewing the other 'reservations' on ratification (immigration and nationality law, the imprisonment of children with adults, and the treatment of young workers). In relation to Northern Ireland, compliance with Article 40 requires that the Government should examine the emergency law as well as the criminal law for inconsistency with the Convention.

Mechanisms for Ensuring Implementation of the Convention

At the 1990 World Summit on Children, 70 world leaders pledged to give high priority to the needs of children: 'The well-being of children requires political action at the highest level. We are determined to take that action.' Yet despite these fine aspirations, there is ample evidence that in practice many states do not meet these obligations. Whilst this demonstrates to some extent a lack of political will, it also results from a failure in many cases to put into place adequate structures at all levels to do so. Nevertheless, there are positive examples which can be drawn on in the search for effective models. Although the differing circumstances – geographical, cultural, historical, political, economic – mean that transposing experience from one country to another is by no means unproblematic, it is possible to highlight approaches which are instructive.

The revised guidelines for state party reports provided by the UN Committee in 1996 confirm that the Committee is also aware of the need to address structural issues to ensure the practical implementation of the Convention:

> 'Please provide information on existing or planned mechanisms at the national, regional and local levels, and when relevant at the federal and provincial levels, for ensuring implementation of the Convention, for co-ordinating policies relevant to children and for monitoring progress achieved...' (*General guidelines regarding the form and contents of periodic reports to be submitted by states parties under Article 44, Paragraph 1(b), of the Convention*, CRC/C/58, 20 November 1996.)

This study will now assess how this aspect of the guidelines has been addressed in practice, dividing the information into separate sections on effective governmental structures; specific institutions to promote the rights of the child; national plans of action; data and information collection on children; and the evaluation of progress on the implementation of the Convention.

Effective Governmental Structures

A common observation of the UN Committee on the initial reports of state parties is that policy towards children lacks co-ordination. This gap can be between different ministries, between various levels of government, or between government and other bodies within the private, public or NGO sectors. This comment surfaces in relation to a range of countries, including Colombia, Mauritius, Nepal, the Philippines, Argentina and Hong Kong.

Canada

It is not just applied to developing countries either. In the case of Canada, the Committee recommends:

> '...that the State party strengthen the co-operation between mechanisms existing in its legal and administrative framework and enhance the co-ordination between federal, provincial and territorial authorities in the field of children's rights with a view to eliminating any possibility of disparity or discrimination in the implementation of the Convention and ensuring that the Convention is fully respected in all parts of its territory.' (*Concluding observations on the initial report of Canada*, CRC/C/15/Add.37.)

Nevertheless, despite this critical evaluation, the problems of designing a framework suitable for a federal state with 10 provincial and two territorial governments which have responsibility for implementing most of the health, education, social and cultural rights are very significant. In fact, it appears that some provinces, such as British Columbia and Saskatchewan, do have effective permanent mechanisms (Save the Children Canada response to the SCF survey).

Zimbabwe

Some countries have taken important steps towards policy co-ordination. Against a background of the legacy of colonialism, a considerable burden of external debt and unfavourable recent drought conditions, the Government of Zimbabwe, for instance, has established child welfare at national, provincial and district levels (Save the Children [UK], Zimbabwe, response to the SCF survey). The UN Committee itself:

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> '...notes the establishment of the Inter-Ministerial Committee on Human Rights and International Law to co-ordinate activities of relevant government ministries and departments to implement the Convention. The Committee welcomes the decision of the Government to submit a yearly report to Cabinet and Parliament on measures taken to implement the rights set forth in the Convention.'
> (*Concluding observations on the initial report of Zimbabwe*, CRC/C/15/Add.55.)

Romania

In Central and Eastern Europe the problems governments have faced have been acute in recent years, but progress has been made in putting into place the necessary structures, even if it is taking time for the changes to have an impact locally. In Romania, before 1990, an excessively centralised and fragmented child protection policy favoured the institutionalisation of children. Immediately following the transition to democracy, relief programmes were implemented by a co-ordination unit for humanitarian aid, which gradually began to co-ordinate innovative pilot projects aimed at changing the child protection system. In 1993, the Committee was reorganised into the National Committee for Child Protection (CNPC), an inter-ministerial body with the task of co-ordinating all child protection initiatives and elaborating an action plan. By 1997, the CNPC and the Romanian Committee for Adoptions were restructured into the Department for Child Protection (CPC). This new institution is developing a government strategy to reform child protection legislation, decentralise child protection services, and collaborate with NGOs (Department for Child Protection, *In the Interest of the Child*, Vol.1, No. 1, May 1997).

Western Europe

Change such as this is undoubtedly impressive when viewed in context. For more affluent countries, with much more stable recent histories, governments are not faced with the almost complete collapse of existing services, but rather with issues arising from the complexity and sophistication of contemporary societies, which demand effective co-ordination of government activities.

In its comments on the reports of many developed European countries, the UN Committee is, however, critical of failures to ensure such co-ordination. This is especially the case in relation to France, Spain, Belgium, Italy, Germany, Portugal, Finland and the UK. Of the position in Norway, however, where children's issues have been concentrated within the Ministry of Children and Family Affairs since 1991, the Committee:

> '...praises the spirit of dialogue existing between the Government, the municipalities and the ombudsman and civil society including the non-governmental community.'
> (*Concluding observations on the initial report of Norway*, CRC/C/15/Add.23.)

Denmark

There are also more specific examples of positive initiatives within Western Europe. The Danish Government, for instance, set up an inter-ministerial committee on children in 1987, composed of representatives from 15 ministries. Its task is to raise awareness of children's issues and to encourage collaborative working, whilst not supplanting the roles of individual departments. Chaired by a permanent secretary in the Ministry of Social Affairs, the committee comprises senior civil servants, and meets every six weeks to two months. A ministerial committee on children meets two to three times a year, usually to discuss proposals from the inter-ministerial committee.

Alongside these mechanisms within government, a national council for children's rights – the Bornerad – has existed since 1994, with a mandate to advise the Government, to launch campaigns, and to monitor developments (Centre for Human Rights, Copenhagen, Denmark, response to the SCF survey). The council has seven members: three of which are appointed by the Ministry of Social Affairs (where the council is housed), and four by NGOs. Although it appears that ministries increasingly consult with the council, NGOs have criticised the fact that the council does not have a specific mandate to cover the UN Convention and is not clearly independent (Red Barnet [Save the Children Denmark], response to the SCF survey).

Germany

An alternative approach, but not one initiated by government, is the example of the German Kinderkommission, which exists at the federal level in the Bundestag, and acts as a representative of children's interests. According to the Federal Government:

> 'Its duties are to be the body approached in matters of concern to children, to examine legislative proposals in light of their consequences for children and, through initiatives of its own, to promote a more child-friendly environment in Germany.'
> (*Written answers from the Government of Germany to the list of issues forwarded by the Committee on the Rights of the Child*, 28.9.95.)

However, NGOs have been critical in their assessment of the Kinderkommission. They argue that this cross-party body has not had the impact that they hoped it would have, because it does not have a clear role set down in parliamentary procedures, it is not formally consulted on draft legislation, and it has insufficient resources (Wilken, W., 'Activities of the German society for the protection of children: Establishing the office of the child commissioner in the Federal Republic of Germany', in Verhellen, E., Spiesschaert, F., (eds.), *Children's rights: Monitoring issues*, Mys & Breesch, Ghent, [1994]).

UK

Similarly in the UK, a range of all-party parliamentary groups exist which cover issues relevant to children (including a specific all-party parliamentary group for children). Some groups are well organised and meet regularly; others only have occasional meetings. Some pursue amendments to legislation and hold hearings; others are simply for exchanging information. No doubt the groups could become a more powerful voice for children, particularly were they to use the UN Convention as a framework for their actions. A more significant initiative would be the establishment of an official 'select committee on children' in the House of Lords, which would examine on a cross-party and cross-departmental basis the ways in which existing legislation, proposed legislation, regulations and administrative practice are affecting the well-being of children (Hodgkin, R., Newell, P., *Effective government structures for children*, Report of a Gulbenkian Foundation inquiry, [1996]).

Sweden

In comparison, all-party groups in other countries appear to have been more influential. In Sweden, for example, a network of parliamentarians was established in 1992 to express joint concern about children's issues. Working closely with NGOs such as Rädda Barnen (Save the Children Sweden), the group has drafted joint bills, initiated debates in Parliament, and held seminars and conferences together with interested parties. At the general motion debate in autumn 1996, the network proposed motions on: the effects of unemployment on children; the children of parents in institutions; the child perspective in development policy; the sexual abuse of children; support for the children of addicts; an inquiry into children in especially difficult circumstances; and on a proposed government bill on migration policy (Article in *Barnen och Vi*, Rädda Barnen, 1/97).

Ireland

Perhaps the most innovative strategy implemented in recent times in relation to government structures in Europe was in Ireland, where a Minister for Children and a Cabinet Committee on Children were introduced by the previous Government (see box on page 32). Unfortunately, these arrangements were changed by the subsequent coalition Government which entered office in 1997. There is now a Minister of State for Health and Children instead who has more limited responsibilities and powers in relation to the Departments of Justice and Education. The Cabinet Committee on Children met infrequently and has been discontinued, though most of the issues dealt with by that Committee are now channelled through the Cabinet Sub-Committee on Social Inclusion, established by the present Government.

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Ireland – a Minister for Children and a Cabinet Committee

Statutory responsibility for children's affairs in Ireland was divided among different government departments, principally the Departments of Health, Education, Justice, Social Welfare and Equality and Law Reform. The Government acknowledged that, in practice, there were some difficulties in achieving a co-ordinated approach among government departments, but instigated an innovative response:

> 'In recognition of these difficulties, and Ireland's obligation under the Convention on the Rights of the Child, a Minister of State to the Departments of Health, Education and Justice, with special responsibility for children was appointed in 1994. This appointment has, for the first time, brought together under a single Minister, responsibility for child protection, youth homelessness, school truancy and children in trouble with the law, areas which in the past have been the responsibility of three Government Ministers. Ireland is the first country in Europe to appoint a Minister with special responsibility for children...
>
> 'In 1995, a Cabinet Committee on Children was also established, chaired by the Minister of State for children. Senior Ministers from the Departments of Health, Education, Justice, Equality and Law Reform, and Social Welfare are represented on the Committee. Its main task is to oversee how the concept of children's rights can be developed in conformity with the rights and obligations contained in the CRC, and how this can be incorporated into domestic laws and policies.'

Source: Human Rights Unit, Department of Foreign Affairs, response to SCF survey.

UK

In the UK, meanwhile, co-ordination of policy in relation to the UN Convention on the Rights of the Child is led by the Department of Health, but at least 13 other government departments also have a significant interest – including the Home Office, the Department for Education and Employment, the Lord Chancellor's Department, the Department of Social Security, the Scottish Office, the Welsh Office, and the Northern Ireland Office. Following discussion at the sessional hearing with the UK Government in Geneva, the UN Committee concluded that it:

> '...remains unclear about the extent to which an effective co-ordinating mechanism exists for the implementation of the Convention on the Rights of the Child.'
> (*Concluding observations on the initial report of the United Kingdom of Great Britain and Northern Ireland*, CRC/C/15/Add.34.)

Criticising existing arrangements for failing to give children political priority, for inadequate co-ordination, and for inefficient use of resources, a recent independent inquiry put forward a radical strategy for changing government structures, based on in-depth study and consultation both in the UK and overseas. It proposed that a Minister for Children should lead a small Children's Unit within the Cabinet Office, with responsibility for drawing up a governmental strategy for UK children, reporting annually to Parliament on the current state of children in the UK, co-ordinating the work of different government departments, and seeking to consult with children and promote their active participation in society (Hodgkin, R., Newell, P., *Effective government structures for children*, [1996], Report of a Gulbenkian Foundation inquiry). Practical experience with such structures in other countries is very limited, but one innovative example is that of the Office of Children and Young People in the state of New South Wales in Australia (see box on page 33).

Even though there is no such co-ordinating structure for children in the UK, since the election of the Labour Government in the UK in May 1997, there are some signs of new thinking behind structural aspects of central government. For instance, the important recent paper on welfare reform led by the Minister for Welfare

The Office of Children and Young People – New South Wales, Australia

The Office of Children and Young People is part of the state Government, and is located at the centre of the policy-making process within the Cabinet Office. A small strategic unit, but with its own budget allocation, the office:

- facilitates the co-ordination, development and planning of government policy as it relates to children and young people (e.g. a cross-government youth policy);
- provides specialist advice to the Premier on issues concerning children and young people;
- identifies and manages policy issues relevant to children and young people (e.g. the Royal Commission on paedophilia);
- acts as a contact point for organisations representing the views and aspirations of children and young people and provides a forum where these organisations may raise issues about policies and programmes;
- responds to the needs of children and young people by gathering, receiving, or exchanging relevant information (e.g. by organising a statewide youth forum);
- provides secretariat support to bodies which advise the Premier on issues of concern to children and young people.

Following the report of a Royal Commission into the New South Wales Police Service Paedophile Inquiry in August 1997, the New South Wales Government published a green paper in December 1997 on the establishment of a Children's Commission. The Royal Commission recommended that the Children's Commission should have four key functions: individual advocacy; substitute decision-making on behalf of individual children; screening; and complaints-handling for both individual cases and systemic issues. However, the Government's consultation acknowledges that child abuse cannot be considered in isolation from the myriad of other social and economic factors that affect children's well-being, and – as the Acting Premier states in the foreword to the green paper – 'The Children's Commission is likely to be most effective if its jurisdiction allows it to examine and comment on all aspects of children's lives'.

Source: A NSW Children's Commission, green paper, December 1997, and other information supplied by the Office of Children and Young People, New South Wales

Reform, Frank Field MP, acknowledges that as far as social exclusion is concerned:

> 'The combination of social, economic, educational and other disadvantages in certain pockets requires a new, cross-departmental and long-term policy response. The causes of social exclusion are varied and complex and often cut across traditional Government boundaries. Many of the individuals and communities affected by social exclusion are on the receiving end of many separate public programmes and professional services. The poor rarely have the chance of helping to determine the programme of action for themselves. These programmes are rarely integrated; most deal with symptoms rather than causes; and most have been driven by the structure of existing Government machinery rather than by the needs of citizens. Not surprisingly, these approaches have often been ineffective.'
> (Department for Social Security, *New ambitions for our country: a new contract for welfare*, Cm 3805.)

The Social Exclusion Unit within the Cabinet Office has been set up in line with a cross-departmental approach and although the initial reaction of outside commentators to the unit has generally been positive, the most significant criticism appears to be that the unit will have access to no new resources to tackle the issues it identifies. It remains to be seen whether this will significantly impair the scope and effectiveness of the unit. The issues it is currently considering are of great relevance to the lives of children and young people.

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The Social Exclusion Unit (Extract)

What's the Unit for?

Social exclusion is a shorthand label for what can happen when individuals or areas suffer from a combination of linked problems such as unemployment, poor skills, low incomes, poor housing, high crime environments, bad health and family breakdown. The Government has policies that are targeted at reducing all of these individually, but government programmes have been less good at tackling the interaction between these problems or preventing them arising in the first place.

The purpose of the unit is to help break this vicious circle and co-ordinate and improve government action to reduce social exclusion by:

- improving understanding of the key characteristics of social exclusion, and the impact on it of government policies;
- promoting solutions by encouraging co-operation, disseminating best practice and, where necessary, making recommendations for changes in policies, machinery or delivery mechanisms.

The unit will not cover issues which are of interest to one department only, or duplicate work done elsewhere. It will focus on areas where it can add value and address the long-term causes of exclusion.

Source: 'What's the Unit for?' Social Exclusion Unit Home Page http://www.open.gov.uk/co/seu/seuhome.htm

Meanwhile, in Scotland and Wales, designated 'Ministers for Children' have been introduced, and it is also likely that 'child impact statements' (or 'childproofing') will be developed. In Wales, in addition to the establishment of a 'Minister for Children' post, a new cross-departmental committee for children has been set up within the Welsh Office, providing a structure to monitor activities affecting children across all departments. In Northern Ireland, however, it appears that the impact on the lives of children of living in a conflict situation is underestimated, and there have as yet been no such positive developments. It is crucial that government structures are set in place which reflect the different circumstances of children living in Northern Ireland.

In England and Wales there appears to be a new emphasis on reassessing departmental boundaries. The Government's early learning initiative, for example, is encouraging closer working relationships between departments, with a transfer of some of the Department of Health's Children Act responsibilities to the Department for Education and Employment. At local level and in line with government thinking in relation to social services, some areas are undertaking similar experiments by reconfiguring existing services, e.g. linking children's services to education.

More broadly, the creation of a new Department for the Environment, Transport and the Regions is intended to lead to more integrated policy, and is also likely to be of some significance to children. The Department's white paper on sustainable growth, competitiveness and employment in the English regions outlines an initiative which will create nine new development agencies in 1999. These agencies will integrate more fully the work of national, regional and local partners in developing and implementing regional economic strategies in social, physical and economic regeneration and in improving the skills base of different regions. Although the focus of the new regional development agencies (RDAs) will not cover children's issues directly, they will be of indirect importance as they will not only provide the key focus for much economic and social activity at local level, but will also contribute to policies and programmes on transport and other aspects of land-use planning; the environment and sustainable development; further and higher education; crime prevention, housing and public health; and tourism, culture and sports infrastructure projects.

However, despite these constructive initiatives, the overall approach to children – particularly on the part of central government – is still relatively fragmented. To tackle this lack of co-ordination, the idea of 'child impact statements' to assess the impact of existing and proposed legislation and policies on children – borrowing from parallel progress in developing impact assessments in the environmental field – is advocated

by various organisations working with children (Hodgkin, R., Newell, P., *Effective government structures for children*, Report of a Gulbenkian Foundation inquiry, London, [1996]).

The aim is to promote assessment and cross-departmental policy development for children. There remain significant questions as to how 'child impact statements' can best be implemented, and the way this issue is addressed in Scotland will prove highly instructive for other parts of the UK.

Netherlands

As yet there are no comprehensive examples in practice. In the Netherlands, where the idea of enclosing a 'child effect paragraph' in new legislation is being considered, the Dutch NGO Coalition for Children's Rights (Kinderrechtencollectief) has called for the Government to provide a detailed overview of spending on child policy in the annual state budget. Furthermore:

> 'The KRC also recommends that a so-called children's check be introduced to review carefully the consequences of policy plans for children in each field of policy.'
> (Kinderrechtencollectief, *Children's rights as a mirror of Dutch society*, Defence for Children International, Amsterdam, [1997].)

Independent Institutions to Promote the Rights of the Child – Ombudspersons and Commissioners

In its 1996 Guidelines, the UN Committee on the Rights of the Child requests information from reporting states on:

> '...any independent body established to promote and protect the rights of the child, such as an Ombudsperson or a Commissioner.'
> (*General guidelines regarding the form and contents of periodic reports to be submitted by states parties under Article 44, Paragraph 1(b), of the Convention*, CRC/C/58, 20 November 1996.)

Since the first Ombudsman for Children was set up in Norway in 1981, the number of such institutions has expanded significantly world-wide. Today they are mainly located in Europe and Latin America, but offices also exist in South Australia, Canada, Israel and New Zealand. Other countries are also planning to set them up.

Considerable variation exists in terms of the legal status of the various offices for Ombudspeople and Commissioners. The majority have been established by special acts of Parliament or the constitution (Norway, Sweden, Iceland, French Community of Belgium, Guatemala, Costa Rica, Peru, Colombia), several through child welfare legislation (New Zealand, South Australia, Austrian provinces, Canadian provinces), others within a range of existing public bodies (Austria at federal level, Germany), and a small number by NGOs (Finland, Israel).

The functions of the offices vary significantly. One recent study undertaken for UNICEF (Lansdown, G. 'Ombudswork for children', *Innocenti Digest*, no. 1, UNICEF, [1997]), identifies four key roles:

- influencing law, policy and practice;
- challenging individual breaches of rights;
- encouraging or undertaking research; and
- promoting awareness of children's rights.

Finland

In practice, not all the offices carry out all these functions. In Finland, for example, where the non-statutory office of Children's Ombudsman was established in 1981 by a large NGO (the Mannerheim League), the ombudsman primarily deals with individual complaints by or on behalf of children. The ombudsman can give legal advice to a child, meet with the relevant parties and officials involved, refer cases to higher authorities, and sometimes represent a child in court. In three instances, the ombudsman has taken cases on behalf of children before the European Commission on Human Rights. The ombudsman can also take action to influence decision-makers and legislation, but this is a lesser focus of their role. Recently, the Government has, however, proposed that the Parliament should establish a Child Ombudsman's Office to spread awareness about the Convention and to follow its implementation in administration, services and legislation (*Answers of the Government of Finland to the questions of the UN Committee on the Rights of the Child*, 8/1/96).

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Austria

In Austria, the functions are divided in a more complex way. Since 1989, ombudsmen for children and youth have been established in eight out of nine Austrian provinces. They are run by the provincial administration but there must not be any interference in their work by officials or politicians. The structure, financial resources, and responsibilities differ from province to province, but include advising: in all matters regarding children, youth and families; giving statements to the authorities and talking to judges; communicating with all institutions working in the field of child and youth welfare; promoting or organising conferences and workshops on children's rights, child care etc.; and public relations to promote and strengthen the situation of children in society.

Alongside this provincial system, the post of a federal Children's and Adolescents' Ombudsman was set up in 1991 in the Ministry of the Environment, Youth and the Family and is therefore not totally independent. The tasks of the federal ombudsman are: to publicly represent the idea of non-violent education; to publicly promote a child-friendly society; to collaborate with the ombudsman systems for children and adolescents in the Länder as well as with public and private youth welfare institutions; and to be a contact point for suggestions and complaints by children and young people and/or their custodians regarding alleged violations of children's and young people's rights (Ombudsman, Salzburg, Austria, response to the SCF survey).

New Zealand

An example of a model which combines individual casework and advocacy on behalf of children as a group is that in New Zealand. The legal responsibilities of the New Zealand commissioner are broad, covering the monitoring of existing legislation, and the promotion and protection of children's welfare (rather than children's rights). In practice, the commissioner has promoted improvements to policy concerning custody and access, and has prepared guidelines for organisations on recognising and dealing with children who have been abused and neglected. It has directly informed public policy on sterilisation of children with learning difficulties, female genital mutilation, male circumcision and national family policy.

Nevertheless there have been some criticisms of the fact that the commissioner is funded by the Department of Social Welfare. An independent review carried out in 1992 recommended: that the office be established under a separate Act of Parliament; that the commissioner be elevated to the status of an officer of Parliament; and that the commissioner's budget be totally independent. The same concern has been raised by the UN Committee, which has recommended a clear and independent statutory basis for the office's advocacy role, directly related to the Articles of the UN Convention (Children's Rights Alliance, *Seen and heard – Promoting and protecting children's rights in Ireland*, Dublin, [1996]; Lansdown, G., 'Ombudswork for children', *Innocenti Digest*, no. 1, UNICEF, [1997]; *Concluding observations on the initial report of New Zealand*, CRC/C/15/Add.70).

The UNICEF study identifies several essential features that encourage effective and efficient ombudswork. The offices need to be independent from government; they must be able to get the voices of children heard; they should be accessible to children; they should have an exclusive focus on children; and they must have certain statutory powers and authority. Probably the models which come closest to this are those in Norway and Sweden (see boxes on page 37).

UK

In the UK, there is no such office. The UN Committee stated in its concluding observations on the UK Government's first report that:

> 'It is concerned about whether sufficient consideration has been given to the establishment of an independent mechanism for the purposes of monitoring the developments in relation to the rights of the child.'
> (*Concluding observations on the United Kingdom of Great Britain and Northern Ireland*, CRC/C/15/Add.34.)

Within the UK context, the Government has recently announced the welcome establishment of a Disability Rights Commission to protect, enforce and promote the rights of people with disabilities. However, it appears that, despite widespread support from major child welfare and child protection agencies, local authorities and other professional groups, the establishment of a

Norway's Ombudsman

The office was established in order to promote the interests of children in relation to public and private authorities, and to follow up the development of conditions under which children grow up, pursuant to section 3 of the Act relating to the Commissioner for Children. The remit of the office includes proposing legislative measures and ensuring observation of legislation affecting children.

A recent evaluation by a committee appointed by the Ministry of Children and Family Affairs concluded positively that the office had: successfully raised the profile of children on the political agenda; enhanced acceptance of children as holders of human rights; been instrumental in improving the status of children in law; and helped to put children on the international agenda.

The committee recommended that the ombudsman 'could have an important function as co-ordinator and initiator of professional and political processes and could help to form more holistic policies related to children and adolescents'; and also that the ombudsman should prioritise general cases and questions of principle, and work to a lesser extent on individual cases.

Source: *Initial report of Norway*, CRC C Add.7, and *The ombudsman for children*, Norwegian Official Report (NOU) 1995:26; A summary of the committee's conclusions, Ministry of Children and Family Affairs, Oslo, 1996.

Sweden's Ombudsman

The Swedish ombudsman was established in July 1993. According to standing instructions the office shall:

1. 'initiate measures for asserting the rights and interests of children and young persons;
2. represent and support children and young persons in public debate;
3. propose to the Government the legislative changes or other measures needed in order for the rights and interests of children and young people to be provided for; and
4. initiate the co-ordination of public measures of prevention in the context of child safety.'

Special attention is devoted to children and young people at risk, to maintaining contact with children and young people and with voluntary and public authorities, and to supporting research and development. The ombudsman's office also presents a yearly report to government.

Recently, the ombudsman has recognised the need to direct more effort towards the municipal councils, as increasing decentralisation has given them more discretion in allocating resources and planning services.

Source: Slywander, L., 'Implementing the UN Convention on the Rights of the Child in Sweden', (1997), in Cohen, B., Hagen, U., (eds.), *Children's services: Shaping up for the millennium*, Children in Scotland, Stationery Office, (1997).

parallel independent office for children is less likely at present. Nevertheless, the minister responsible for children's services has indicated that he is willing to consider arguments for a Children's Rights Commissioner.

Another possibility would be to set up a generic 'human rights commission', an option which the Government raised in conjunction with the intended incorporation of the European Convention on Human Rights, but rejected for the present human rights bill on the basis that the proposal needed further consideration. However:

> '...the Government has not closed its mind to the idea of a new Human Rights Commission at some stage in the future in the light of practical experience of the working of the new legislation. If Parliament establishes a Committee on Human Rights, one of its main tasks might be to conduct an inquiry into

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> whether a Human Rights Commission is needed and how it should operate.'
> (Home Office, (1997), *Rights brought home: The human rights bill*, Cm 3782.)

It has been suggested, notably by a think-tank – the Institute for Public Policy Research (IPPR) – that a human rights commission could include a separate Commissioner for Children's Rights. This would be less expensive than a 'stand alone' body because the infrastructure – legal, press, research and finance departments – would already be there, and because it would avoid the politically unattractive step for the Government of setting up another, separate quango. Furthermore, IPPR argues that a Children's Commissioner would be more effective, more influential and hence able to bring about greater change if he or she were part of a broader, collegiate body (Spencer, S., *Children's rights within a human rights commission*, speech at conference 'Children's Rights = Human Rights?', Children in Scotland, Edinburgh, 9 July 1997).

Australia

There are, however, few examples of this approach which situates children's rights within a human rights commission. In Australia, the Attorney General declared in 1992 that the UN Convention would be made an international instrument for the purposes of the Human Rights and Equal Opportunity Commission Act 1986, thus enabling the commission to conciliate complaints about acts or practices of the Federal Government which breach the Convention. In practice, the commission has intervened in at least two cases concerning children's rights, conducted inquiries on homeless children and on the removal of Aboriginal children from their families, and publicised the Convention by developing educational materials and supporting conferences and seminars.

South Africa

The closest parallel appears to be with South Africa. There the National Programme of Action (NPA) addressed structures for sustained commitment to the programme, and argued that the new human rights commission could, in the short term, provide an ombudsman-style office without any new legislation. The Human Rights Commission Act 1994 (Section 5) allows for committees of the commission to be established, including one or more commissioners, to exercise powers and perform such duties and functions as the commission directs. The NPA further suggested that one or more commissioners with special responsibility for children could be designated, and a committee appointed with appropriate supporting staff to carry out functions in relation to children's rights and the Convention. This recommendation has now been implemented.

National Agendas for Children

Developing positive approaches to children on the part of all relevant agencies depends on commitment at the highest political levels, shared values and principles, appropriate co-ordination of activities and the availability of sufficient resources. Establishing an overall government strategy for children is one key means of providing the framework necessary for the development and co-ordination of policy. This approach is endorsed by the UN Committee on the Rights of the Child, which asks reporting states to:

> 'Please indicate any steps taken or envisaged to adopt a comprehensive national strategy for children in the framework of the Convention, such as a national plan of action on children's rights and relevant goals established.'
> (*General guidelines regarding the form and contents of periodic reports to be submitted by states parties under Article 44, Paragraph 1(b), of the Convention*, CRC/C/58, 20 November 1996.)

From the Committee's observations on the reports of states parties, it is evident that several states have not sought to design governmental strategies and action plans. But it is also apparent that, as part of, or as a result of, the process of implementing the UN Convention, many more states – for example, Australia, Bolivia, Burkina Faso, Cambodia, Chile, El Salvador, Ghana, Guinea-Bissau, Laos, Mexico, Namibia, Nicaragua, Paraguay, Peru, the Philippines, South Africa, and Turkey – have done so. However, the scope, resourcing and level of detail vary enormously, and it is hard to judge the impact of the programmes.

Canada

For instance, the action plan of the Canadian Federal Government ('Brighter futures'), introduced in May 1992, consisted of more than 30 steps and programmes intended to address the well-being of children; this was supported by a child development initiative: a five-year series of programmes worth $500 million, intended to address conditions of risk that threaten the health and well-being of children between ages 0 and 6. Whilst this appears a positive strategy, and NGOs were generally in favour of many of the measures, they were nevertheless very critical of some aspects:

> 'Despite the fact that Canada's Action Plan includes a series of laudable initiatives, it is possible that little concrete progress will be made towards implementing the provisions of the Convention. The Action Plan makes no mention of specific goals, desired outcomes or proposed time frames. There is no discussion of the need to identify baseline measures and to assess policies and programmes against these standards.'
>
> (The Canadian Coalition for the Rights of the Child, *Response to the UN Committee on the Rights of the Child*, September 1994.)

Others went further in criticising the action plan, arguing that it is largely a catalogue of existing programmes (Toope, S.J., 'The Convention on the Rights of the Child: Implications for Canada', in Freeman, M., (ed.), *Children's rights – A comparative perspective*, Dartmouth Publishing Company, [1996]).

More impressive in reality in Canada is the action plan of the province of Saskatchewan, which was announced in 1993 by the Ministers of Social Services and Health. Over 1,200 organisations were invited to share their ideas and proposals for improving children's well-being, and a council on children's issues has been formed, reporting to the legislature (Children's Advocate Office Saskatchewan, Canada, response to the SCF survey). The action plan is to be implemented in three stages: the first stage is to build agreement within government and to create a policy framework for use by government, communities and NGOs in the development, implementation and review of legislation, policies, programmes and services. A background paper will be prepared, highlighting the documentation available on preventative programming and integrated services. The second stage aims at public participation. Community-based discussion and planning will concentrate on the proposed policy framework, key social, health and economic challenges and ways to take action collectively through broader partnerships. The third stage involves all partners in defining joint and separate roles and responsibilities to plan and implement the actions. Planning will include specific actions and methods for review to ensure that goals are met. The third stage will be presented as a public document which, over time, will be revised and expanded (Hodgkin, R., Newell, P., *Effective government structures for children*, Report of a Gulbenkian Foundation inquiry, [1996]).

South Africa

Another encouraging example, which is now in place, is the South African National Programme of Action for children, which is rooted in the UN Convention on the Rights of the Child (see box on page 40).

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The National Programme of Action – South Africa (Extract)

The new South Africa, through President Mandela, the Government of National Unity and the National Children's Rights Committee (a non-governmental alliance for the promotion of children's rights), has made a series of commitments to children.

A National Programme of Action for Children (NPA) has been set up to take forward the commitments. The NPA sets out in detail the action required to:

- meet World Summit goals, as adapted to the needs of South Africa's children;
- create a society in which 'first call for children' has real meaning.

It is also a mechanism for identifying all plans for children developed by relevant government departments, non-governmental organisations and other child-related structures and for ensuring that these plans converge in the context of the framework provided by the Convention, the World Summit Goals and the Reconstruction and Development Programme (RDP).

To this end, the NPA is rooted in the framework of the Convention, which incorporates and expands the philosophy of the first call for children, and includes by implication the World Summit Goals. Implementation of the Programme will be integrated with the RDP and with the policies and plans being formulated for children by the concerned ministries, government departments and agencies and NGOs. The NPA aims to strengthen and broader national development programmes, combining:

- revitalised economic growth;
- poverty reduction;
- human resource development; and
- environmental protection.

In April 1996, the Cabinet approved the NPA Framework and its implementation by the relevant ministries and departments. The NPA Framework is not a separate plan for children: it is an integration of all the policies and plans developed by government departments and NGOs to promote the well-being of children.

Source: National Programme of Action Steering Committee, Working Document: *National programme of action for children in South Africa*, 31 May 1996.

Europe

In Europe, it appears there are fewer examples of overall national plans. Those that do exist tend to be more focused on specific issues, or incorporated within other plans. As the Child and Family Ministry in Norway remarked:

> 'There are several National Plans with relevance for children e.g. separate plans for children and adolescents with immigrant backgrounds, for ensuring security and care, on children and health and for children of the Sami minority.'
> (Child and Family Ministry, Norway, response to SCF survey.)

Nevertheless, strategies have been adopted in some countries which are roughly equivalent to national plans. According to the Government of Finland:

> 'At the national level, the Government has recently submitted a Report on Child Policy and Child Protection to the Parliament. In the report child policy and child welfare issues are discussed in the context of the principal aims and provisions of the Convention... The report has been sent to the Members of Parliament as well as to all municipalities and child welfare organisations. It has also been widely discussed in the mass media and is thus well-known to all.'
> (Answers of the Government of Finland to the questions of the Committee on the Rights of the Child, 8.1.96.)

The most dramatic recent policy advance in this area, however, has probably been in Italy, where the new Government has sought to address the central concerns of the UN Committee by introducing a 1997 plan of

action for childhood and adolescence. This involves: the creation of national and regional observatories to collect comprehensive information on the situation of children; a range of legal reforms; measures to improve administrative co-ordination; action in pursuit of international solidarity; and promotional activities on the part of the Ministry of Social Affairs in relation to a national centre for childhood (*Plan of action for childhood and adolescence of the Italian Government*, April 1997, Rome).

UK

Within the UK, there is at present no overall national agenda for children. This has led to inconsistencies in policy, and in many cases, a neglect of children's rights and needs over many years. Some of the issues were presented to the Government by NGOs on 2 February 1998 (Children's Rights Office, *A Report to the Government on Progress Towards Implementation the Convention on the Rights of the Child*, unpublished briefing, [1998]).

This is not to overlook the range of specific proposals intended to improve the situation of children and young people – particularly those facing disadvantage – such as the New Deal to tackle youth employment, or the early years strategy.

In the education field there are many new initiatives on school exclusions, special needs, behavioural difficulties and out-of-school support, to cite a few examples, which are bringing ideas and resources into education. Yet, even within education alone, more could be done to make links between the different initiatives and to adopt a holistic and child rights approach.

The previous Government introduced a major framework of childcare law (the Children Act 1989, the Children [Scotland] Act 1995, and the Northern Ireland Children Order 1995). These are still being built on. For example, one recent development, which is likely to lead to government action, is the publication in November 1997 of the 'Utting' report into children living away from home (Sir William Utting et al., *People like us. The report of the review of the safeguards for children living away from home*, The Stationery Office, London, [1997]). This recommended, among other things, that the Department of Health and Welsh Office should establish and resource a dedicated group to develop and implement a comprehensive strategy for residential childcare.

Yet, in many specific instances, the child welfare principles underpinning the Children Act framework are undermined by other strands of policy-making (for example, punitive measures against certain categories of young offenders).

Meanwhile, at local level, the introduction of 'children's services plans' as a result of central government guidance published by the Department of Health and Department for Education and Employment in 1996, is encouraging a more strategic approach. The guidance specifically mentions the UN Convention which it argues, provides 'a foundation of values, principles and objectives which can be shared by all agencies involved in children's services' (Department of Health, Department for Education and Employment, *Children's services planning guidance*, [1996]).

The Gulbenkian inquiry argues that central government needs to practise the strategic planning and collaboration between its departments and agencies which it preaches to, and to some extent, requires of, local authorities:

> 'It is undoubtedly central government policies – whether or not implemented through local delivery of services – which most deeply affect children. So central government must apply a similar approach, with the same aims and philosophy, not just to local services, but to itself, establishing a strategic approach to children, a co-ordinated framework for planning and so on...'
> (Hodgkin, R., Newell, P., *Effective government structures for children*, Report of a Gulbenkian Foundation inquiry, [1996].)

Although there are some positive initiatives which are being taken, both at local and central level, the overall approach of UK policy-making remains fragmentary. Yet were a report on the state of UK children to be drawn up, a 'children's agenda for the UK', based on the framework provided by the UN Convention, could be developed, identifying policies and plans for all relevant ministries and departments and setting targets for implementation. Backed by political will and

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sufficient resources, the agenda would aim to provide a more dynamic and coherent response to children's issues and to ensure the development of a holistic approach.

Data and Information Collection on Children

The UN Committee has observed on numerous occasions that it is only possible to assess the implementation of the Convention if sufficient data is available. In its guidelines to state parties on reporting it seeks information on:

> '...The measures taken to ensure the systematic gathering of data on children and their fundamental rights and to assess existing trends at the national, regional and local levels, and where appropriate, at the federal and provincial levels, as well as the steps taken to develop mechanisms for the identification and gathering of appropriate indicators, statistics, relevant research and other relevant information as a basis for policy making in the field of children's rights.'
> (*General guidelines regarding the form and contents of periodic reports to be submitted by states parties under Article 44, Paragraph 1(b), of the Convention*, CRC/C/58, 20 November 1996.)

Effective policy-making and evaluation of the outcomes of policy for children depend on the quality of data which can be collected about their situation. But in reality, in many states very little information is collected which is child-specific or which can be re-interpreted to reflect the situation of children. A group of European researchers who looked at the statistics and data available on children in 19 post-industrial societies concluded that:

> 'It was a surprise for most of us to learn to what extent children were not covered in available research, statistics, government reports etc. In most cases they were virtually absent; while on the other hand we could find information about adults who one way or another surrounded them... the best which could be done was to make a patchwork of bits of information which, in most cases, was not collected with the purpose of telling about children, but in which children were somehow involved. Children were, in other words, split up into categories that were not really relevant for our understanding of their life conditions; they were actually described according to adult categories.'
> (Qvortrup, J., 'Children at risk or childhood at risk – a plea for a politics of childhood', in Helio, P.-L., Lauronen, E., Bardy, M., *Politics of childhood and children at risk*, European Centre for Social Welfare Policy and Research, Eurosocial Report 45, Vienna, [1993].)

Finland

Similar conclusions about the adult-centred nature of the available data, which reflects the way children are frequently seen purely as dependants of adults, have been reached by others too. The Finnish Government, for example, identifies that:

> 'The data on children is adult-orientated and adult-based, because in the assembly of social data, the child is studied as a member of the units to which he or she belongs: member of a family, student in a school, one of a number of those receiving care in the daycare centre. While the research project was underway, a revision of the methods of compilation of family statistics was undertaken to change this approach. In order to co-ordinate social policy with the requirements of the Convention, child-orientated assembly and analysis of data needs to be increased further, as reliable research data and statistics on the conditions of children in a number of spheres are still lacking.'
> (*Initial report of Finland*, CRC/C/8/Add.22.)

Europe

Taking this identification of a key difficulty in relation to statistics on children a little further, a recent study of legislation and policy on children in the European Union (Ruxton, S., *Children in Europe*, NCH Action For Children, London, [1996]) highlighted that children's perceptions of the variety of circumstances they face have as yet been almost completely ignored, largely owing to the common assumption that their views are unreliable. Nevertheless, isolated studies do exist which have developed innovative approaches to collecting data from children, acknowledging the particular importance for children of issues such as consent,

access, privacy and confidentiality. Most crucially, such studies have used participative methodologies to equalise the unequal power relationship between researcher and child, allowing children to set their own agendas and talk about their daily lives and views in ways which suit them (Mauthner, M., 'Methodological Aspects of Collecting Data from Children: Lessons from Three Research Projects', *Children and Society*, [1997], Vol. 11).

New Zealand

Tackling the issue of how to address concerns such as these, the office of the Commissioner for Children in New Zealand, where data has not in the past been systematically collected on children, has argued that:

> 'Developing baseline information directly relating to children is likely to be challenging initially. Data is currently gathered for diverse purposes by various ministries and agencies; there are likely to be omissions in the kind of data gathered and its utility as a monitoring basis. Statistical information is likely to be biased by the needs of the agency collecting it; nevertheless, a process of determining what is, and needs to be, collected, could be developed by the combined efforts of NGOs (who are close enough to the ground to know social impacts) and state agencies...'
> (Coffey-Noall, A., 'Can New Zealand Develop a Monitoring Process in Regard to the UN Convention?', *Children Newsletter from the Office of the Commissioner for Children*, [May 1997], No. 23.)

The office goes on to argue that collecting information about children is likely to be a fruitless activity unless it is child-centred, relevant to their lives and related to an overall strategy for children. Furthermore, developing a sensitive monitoring process requires a considerable degree of collaboration between the Government and its ministries, local government, NGOs and academic institutions.

Spain, Belgium and Canada

In its observations on the initial reports of numerous states, the UN Committee is critical of gaps in data collection. In relation to Spain, for instance, the Committee recommends:

> '...that the Government of Spain gather all the necessary information in order to have an overall view of the situation in the country and to ensure a comprehensive and multi-disciplinary evaluation of progress and difficulties in implementing the Convention. This evaluation should enable it to shape appropriate policies to combat disparities and lasting prejudices.'
> (*Concluding observations on the initial report of Spain*, CRC/C/15/Add.28.)

In the case of Belgium, the Committee similarly recommends:

> '...that Belgium envisage the creation of a permanent mechanism of data collection at the national level, in order to have an overall assessment of the situation of children in the country and to ensure a comprehensive and multi-disciplinary evaluation of progress and difficulties in implementing the Convention.'
> (*Concluding observations on the initial report of Belgium*, CRC/C/15/Add.38.)

And concerning Canada:

> 'The establishment of a comprehensive network for the collection of data covering all areas of the Convention and taking into account all groups of children within Canadian jurisdiction is recommended.'
> (*Concluding observations on the initial report of Canada*, CRC/C/15/Add.37.)

Data collection at provincial level in Canada appears to be progressing. Responding to the SCF survey, the Commission for Human Rights and Youth Rights commented that the Ministry of Welfare and Social Welfare in Quebec is engaged in a vast operation to collect statistics concerning children requiring special protection on the part of the state and children who have offended. The project, entitled 'Study of indicators regarding young people in difficulty', will lead to a common set of indicators which will describe the activities of the sector as a whole, facilitate monitoring of the processes involved and their outcomes, as well as of regional variations and trends (Commission des droits de la personne et des droits de la jeunesse, Quebec, response to the SCF survey).

Romania

Some other states have also made or are planning significant progress in compiling adequate information, largely as a result of devoting sufficient political will to the issues involved. The UN Committee recommended that the Romanian authorities, for instance, should, as a priority, monitor the situation of children in extremely difficult situations. In 1995 an evaluation supported by UNICEF recommended the following: the creation of a structure to help the Department for Child Protection with monitoring; the establishment of categories of vulnerable children; and the development of appropriate indicators. This work is now being followed up by a nine-member technical committee, in conjunction with the department and with the help of training provided by agencies in Belgium and the UK (Pasti, S., 'Monitoring the UN Convention on the Rights of the Child in Romania', in *In the interest of the child*, [May 1997], volume 1, no.1).

South Africa

The National Programme of Action for children in South Africa also sets ambitious targets for information collection on the policy priorities for children: nutrition, health, water and sanitation, early childhood development and basic education, social welfare development, leisure and cultural activities, and child protection measures. For each policy area, the plan defines goals, relevant articles of the Convention, the responsible lead and supporting sectors, national strategies, measurable targets for achievement, and a set of key indicators. An expert technical advisory committee is also recommended, appointed by the National Programme of Action steering committee. Its functions would be to:

- co-ordinate the development of an analytical framework for policy groups to facilitate compliance with the Convention and other commitments to children;
- contribute to the development of a database which compiles existing statistics;
- identify work in progress which complements the analytical framework and database;
- identify gaps in the database;
- develop strategies to address gaps in knowledge or plans, in order to inform detailed action required for meeting commitments to children;
- select appropriate indicators;
- develop an appropriate information system for monitoring and evaluation;
- establish policy working groups to undertake the specific technical work required.

(National Programme of Action for children in South Africa: *Working Document*, 31 May 1996.)

Norway

Within Western Europe, probably the most significant initiative has been developed in Norway, where the 'child, youth and family' research programme has been established for the period 1994–98. The programme is based on a memorandum issued by the Ministry of Children and Family Affairs, which states that:

> 'The programme is intended to strengthen our understanding of the predicaments and living conditions of children, young people and families. Research should analyse the significance of major institutions, directives and services. In addition, we hope to build understanding about the relationship between the private sector and public policies (on the one hand) and the living conditions and social development of families, young people and children (on the other).'
>
> (*Policy document and summary of projects for the programme 'child, youth and family'*, The Research Council of Norway, 1996.)

Thirty-two projects have been funded so far, and priority research themes include:

- The consequences of family changes for the living conditions and development opportunities of children and young people;
- Changes in cultural views on the family, childhood and adolescence;
- Living conditions of children and young people;
- The consequences of government policy for children, adolescents and families;

- Educational institutions, kindergartens and public leisure facilities;
- The social landscape for children and young people;
- The socialisation consequences of commercialism and developments in the media;
- Adolescence: integration or exclusion?

Italy

Ambitious plans for improving data collection are also underway in Italy (see box below).

UK

In comparison with the position in many other countries, data collection and research on children in the UK appears to be relatively established and resourced. Nevertheless it could be argued that the information available is somewhat piecemeal, and that there are significant gaps. For example, statistics on children and race are almost non-existent, accurate information about the scale and nature of youth homelessness is lacking, and the latest official information about the numbers of children with disabilities was published in 1989 (Office of Population Censuses and Surveys *Survey of disability*, 1989). Regional representation within UK statistics is inadequate too. For instance, although there is a growing body of research on children in the UK, these studies predominantly do not extend to children living in Northern Ireland.

Furthermore, a high level of central government control has, unsurprisingly, led to an abundance of studies which are policy relevant. As a result, theoretical research rarely gets financial support and the empirical studies undertaken tend to reflect government policy priorities rather than academic relevance. It is also difficult for researchers to persuade government of the value of radical as opposed to reformist research (Bullock, R., The United Kingdom, in Colton, M., Hellinckx, W., (eds.), *Child care in the EC: A country-specific guide to foster and residential care*, Arena, [1993]). Against this background, the new Government's stated intention to establish an independent 'national statistical service' in order to restore trust in government statistics is very welcome.

Improving data collection in Italy

A key initiative within the Government's plan of action for childhood and adolescence is the setting up of a national observatory, a national documentation centre and comparable regional institutions. These are to be confirmed in legislation, although work is already going ahead by ministerial decree. Among the development proposals set out in the action plan are:

- research by survey and sampling on the opening of restructured services for children at local level;
- quantitative and qualitative research on the institutionalisation of children;
- research by survey, analysis and commentary on the recommendations arrived at and the measures conferred by tribunals for minors;
- research on regions where judgements of the tribunals for minors are discarded and the other options put in place;
- research on the daily lives and activities of pre-adolescents;
- the production of a popular publication, in partnership with other institutions, of a body of statistics and indicators together with a commentary which will provide tools for the design and evaluation of socio-educational programmes for children and young people;
- an overview of several aspects of conditions for children in Italy, compared with four other countries within the European Union which prepare national statistics on a systematic basis similar to that in Italy.

Source: *Plan of action for childhood and adolescence of the Italian Government*, Rome, April 1997.

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Despite these criticisms there are positive initiatives taking place in the UK which are innovative. For example, in 1995 the Economic and Social Research Council (ESRC) – the UK's leading social science funding body – launched a new research programme (the 'children 5-16 programme') with funding of £2.9 million over five years. The 22 projects which have been agreed cover four main areas: children as economic actors; children as clients and consumers of services; children as social actors in families and households and social networks; and children as users of and contributors to the built environment. A key aspect of almost all the projects is that they draw inspiration from the notion of children as competent actors, and thus link directly to public policy debates about children's participation. Many of the projects therefore emphasise the development of innovative methodological approaches, bringing together different disciplines and exploring new ways of understanding children's experiences. Linked with this is the development of comparative multi-disciplinary approaches in parallel with European projects with a view to cross-national collaboration (Prout, A., 'The changing study of childhood and new directions for child research in the UK', in Verhellen, E., (ed.), *Understanding children's rights*, [1996], Ghent papers on children's rights).

It is to be hoped that, building on programmes such as that of the ESRC and the commitment to set up a national statistical service, further measures can be taken to ensure the systematic and independent gathering of data on children across all topic areas and the development of appropriate indicators to monitor progress. In addition, greater attention should be focused on the need to develop appropriate methodologies for ascertaining children's perspectives on the circumstances they face, and on promoting good practice more widely.

Evaluating Progress on the Implementation of the Convention

The UN Committee's guidelines for state parties request information on:

> '...The steps taken to ensure a periodic evaluation of progress on the implementation of the Convention, at the national, regional and local levels, and where appropriate, at the federal and provincial levels, including through the preparation of any periodic report by the Government to the Parliament.'
> (*General guidelines regarding the form and contents of periodic reports to be submitted by states parties under Article 44, Paragraph 1(b), of the Convention*, CRC/C/58, November 20 1996.)

In most states parties, there has as yet been little attention to this issue, as the main focus has been the preparation of the initial state party report. Nevertheless, there are some examples of initiatives which have been taken to address the need for periodic evaluation.

Sweden

To continue the ongoing process of monitoring and reviewing existing legislation, the Swedish Government appointed a parliamentary committee in February 1996, with a reference group made up of representatives of NGOs such as Rädda Barnen and the Swedish UNICEF committee. The terms of reference of the committee are:

- to carry out a broad review of the relationship between Swedish law and practice and the provisions of the Convention on the Rights of the Child;
- to clarify and increase the measure of consensus regarding the meaning of the concept the 'best interests of the child' in the Convention (Article 3);
- to give priority to deal with the question of the position of children in matters which fall under the Aliens Act, inter alia in cases of refusal of entry or expulsion when children are involved.

(Permanent Mission of Sweden in Geneva, *Implementation by the Government of Sweden of the recommendations of the Committee on the Rights of the Child*, 1996.)

The previous Irish Government and the Austrian Government also initiated review processes.

Africa

In developing countries, the lack of any appropriate machinery for monitoring and evaluating progress is, in many cases, leading to the overhaul of existing structures and processes. In Africa, this has occurred, often with the support of NGOs including Save the Children, in countries such as Ghana, Uganda, and South Africa. In Zimbabwe, the Government candidly admits in its initial report that, in preparing the report, it became clear that there was no mechanism for ensuring the co-ordinated implementation of the Convention and that an appropriate structure should be established. It concluded that an inter-ministerial committee under the Minister of Public Service, Labour and Social Welfare should, among other roles, be responsible for preparing a yearly report to Cabinet on the measures taken to implement the Convention (*Initial report of Zimbabwe*, CRC/C/3/Add.35).

Finland, Canada and Norway

In addition to the activities carried out by governments, NGOs in many states also take a proactive role in evaluating progress, highlighting areas of deficiency and providing an independent check on information from government sources. The Finnish Mannerheim League, for example, publishes every year on 20 November – International Children's Day – a report on a special theme relevant to children (Mannerheim League, response to the SCF survey). The Canadian Coalition for the Rights of the Child has developed a monitoring framework for the Articles dealing with children in conflict with the law; it will shortly submit a proposal to the federal Government to apply this framework nationally through coalition members and others, and to feed the results into Canada's next report to the UN Committee (SCF Canada, response to the SCF survey). In Norway, the National Coalition on Children's Rights was planning an open hearing addressing the Government in 1997/98 on the implementation of the Convention, with the intention of making this a yearly event (Redd Barna, response to the SCF survey).

UK

There is no attempt by the UK Government to compile statistics and data on children in an annual official 'State of UK children' report. In 1994 the Central Statistical Office produced a limited one-off summary (*Social focus on children*); however, there are no plans to repeat or develop this publication. The Gulbenkian Foundation inquiry (cited below) concluded that policy development and monitoring policy implementation within a proposed overall government strategy for UK children demands the systematic collection and appropriate dissemination of statistics and other information:

> 'An annual report on "The State of UK Children" should be prepared and presented to Parliament. Distinct reports would be needed for England, Northern Ireland, Scotland and Wales, but they should share the same framework to enable useful comparisons to be made. The report emphasises that giving government the function of annually reporting on children does not remove the need for independent reporting, from the proposed independent children's commissioner and from NGOs.'
>
> (Hodgkin, R., Newell P., *Effective government structures for children*, Report of a Gulbenkian Foundation inquiry, London, [1996].)

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Resources for Children

Children and Economic Policy-making

Echoing the key obligation on governments laid out in Article 4 of the Convention, the UN Committee's revised guidelines reaffirm this commitment and expand on the information required for adequate reporting:

> 'Using indicators or target figures where necessary, please indicate the measures undertaken to ensure the implementation at the national, regional and local levels, and where relevant at the federal and provincial levels, of the economic, social and cultural rights of children to the maximum extent of available resources, including:
>
> - The steps undertaken to ensure co-ordination between economic and social policies;
> - The proportion of the budget devoted to social expenditures for children, including health, welfare and education, at the central, regional and local levels, and where appropriate at the federal and provincial levels;
> - The budget trends over the period covered by the report;
> - Arrangements for budgetary analysis enabling the amount and proportion spent on children to be clearly identified;
> - The steps taken to ensure that all competent national, regional and local authorities are guided by the best interests of the child in their budgetary decisions and evaluate the priority given to children in their policy-making;
> - The measures taken to ensure that disparities between different regions and groups of children are bridged in relation to the provision of social services;
> - The measures taken to ensure that children, particularly those belonging to the most disadvantaged groups, are protected against the adverse effects of economic policies, including the reduction of budgetary allocations in the social sector.'

(*General guidelines regarding the form and contents of periodic reports to be submitted by states parties under Article 44, Paragraph 1(b), of the Convention*, CRC/C/58, 20 November 1996.)

Although some countries may not have sufficient resources, at least in the short term, to ensure full implementation of the Convention, governments still have immediate obligations to promote a 'first call for children', and to devise appropriate strategies and monitor their effectiveness. The key phrase 'to the maximum extent of available resources' quoted in the above guidelines, affirms that governments in both developing and developed countries must make positive efforts to devote increasing resources to children, and that implementation remains an ongoing task.

The scale of the task is borne out by the available statistics. Information published in 1997 by the European statistics agency, Eurostat, shows that, in the former 12 member states of the EU, every fifth child was living in poverty in 1993. In some countries, the figures were much higher, reaching one in three in the UK – the highest of all (Eurostat, (1997), *Statistics in focus: income distribution and poverty in the EU 12 – 1993*).

Providing adequate resources for children depends, above all else, on governments' ability to ensure an appropriate macro-economic and social welfare framework, which acknowledges the interdependence of these two elements. Building on this general tenet, the Swedish economist De Vylder argues that for children:

> '...a human development perspective with children's rights in focus must influence macro-economic policies in a more conventional sense – embracing fiscal policies, monetary policies, exchange rate policies etc – as early and as comprehensively as possible. The needs of children must move 'upstream' in the overall design of economic policies. It is not enough – even though it may be appropriate – to advocate a larger share of public expenditure going to, say, the provision of daycare centres or primary education. A child-hostile Central Bank can be far more harmful for our children than an incompetent Ministry of Education.'
> (De Vylder, S., *Macro-economic policies and the rights of the child*, Conference on the best interests of the child in the European Union, Stockholm, 29 May 1997.)

Sweden

De Vylder illustrates this in relation to the experience of Swedish children and families in the early 1990s. Despite the generally positive approach to children in Sweden, the country has experienced a drastic increase in unemployment, erroneous exchange rate and monetary policies, and fiscal and social policies, affecting low-income families with children. At the same time, economic uncertainty has increased dramatically, and risk has shifted from corporations to individuals. In De Vylder's view, although economic policies in this period were not intended to hurt children and families, the negative effects have, to a very large extent, been felt by them.

Economics as if children mattered

'Economic growth is not an end in itself. It is a means towards enabling everyone in society to secure access to a sustainable livelihood and participate fully in the benefits of economic and social progress. The basis of any Children's Agenda, as of human-centred development in general, must be an economic model which meets these conditions, both within and between countries... current models of market-based economic growth do not do this, since they exclude those with less power, wealth and skills, and erode the traditional family and community support systems which provide help in times of need.'

Source: Save the Children, *Towards a children's agenda: new challenges for social development*, London, (1995)

The Impact of European Monetary Union

Similar tendencies are visible in other European countries and remain a significant concern, particularly against the backdrop of impending European Monetary Union (EMU), which is clearly of critical importance to all children and families within the European Union.

The introduction of a single currency will remove the ability of member states to follow an independent monetary policy, but it is intended to bring compensatory advantages. If EMU is successful, it will generate economic growth, create new jobs and perhaps raise additional resources for children's services; in this case, the benefits for children would be significant. But if the project fails, or works less successfully than anticipated, EMU is likely to cause deflation, high unemployment and cuts in public expenditure (including expenditure on children's services). Under the latter scenario, the effect on children could be very negative.

As EMU is currently constructed, there is also a significant danger that the priority given to price stability will favour 'savers' (predominantly middle-aged and elderly people) and disadvantage 'borrowers' (predominantly younger people with children).

If EMU is not to ignore a 'children's perspective', it is vital that further analysis is undertaken into the likely impact on children of macro-economic convergence. Despite the significance of the issues involved, there has been almost no mention in public debate of the implications for children – as in so much 'child-blind' economic policy-making.

The concluding observations of the UN Committee have alluded to similar concerns, but have tended to focus more narrowly, frequently arguing – without necessarily making explicit connections with wider aspects of macro-economic policy – that budgetary allocations in many countries are insufficient.

Reporting on and Monitoring Budget Expenditure

The most basic of the Committee's criticisms is that the information available in state party reports is patchy, focusing more on aspects of legislation and programmes than on the question of whether all available resources have been used to promote economic, social and cultural rights.

New Zealand

In relation to New Zealand, the Committee:

> '...suggests that the State party undertake a study on the impact on children and their families of the economic reform process that has been ongoing during the last several years in terms of its impact on

> government budgetary resources available for support services, as well as on the impact of unemployment and changed conditions of employment on children, young persons and their families. Conclusions from such a study would be a useful starting point for developing a comprehensive strategy for future action.'
> (*Concluding observations on the initial report of New Zealand*, CRC/C/15/Add.71.)

Italy, Spain and Denmark

The UN Committee made a similar criticism of the lack of available information in relation to the report of the Italian Government, and went on to suggest that it appeared that insufficient expenditure had been allocated to the social sector (*Concluding observations on the initial report of Italy*, CRC/C/15/Add.41). Regarding the report of the Spanish Government, the Committee especially noted the importance of ensuring a balanced distribution of resources at central, regional and local level (*Concluding observations on the initial report of Spain*, CRC/C/15/Add.28). And in the case of Denmark, the Committee reiterated the importance of implementation of Article 4 'to the maximum extent of available resources' – especially for vulnerable groups, and again highlighted the value of appropriate monitoring mechanisms (*Concluding observations on the initial report of Denmark*, CRC/C/15/Add.33).

Portugal

The observations of the Committee were not, however, universally negative. In relation to Portugal, although the Committee was concerned that the Government had not yet fully implemented Article 4, it welcomed the fact that budgetary allocation for education had been increased by 1% of GDP until 1999, and that the network of pre-school facilities had also been improved (*Concluding observations on the initial report of Portugal*, CRC/C/15/Add.45).

Norway

The Committee made a positive comment in relation to Norway:

> '...the Committee notes with satisfaction that during the present period of economic recession, which is affecting many countries, and the progression towards decentralisation of social services, the budgetary resources for child welfare programmes have been increasing in Norway.'
> (*Concluding observations on the initial report of Norway*, CRC/C/15/Add.23.)

Although there are instances where the UN Committee has praised some governments for their approaches and efforts, in general, states party reports fail to address the issues raised by the general guidelines in a comprehensive way.

Need for Better Monitoring

There is, therefore, a need to improve the monitoring of achievements, difficult though this may be. One way to assess overall government priority is to measure the 'social allocation ratio' (the percentage of public expenditure devoted to the social sector generally) and the 'social priority ratio' (the percentage of all social expenditure going to basic social services). However, data on central government spending alone fails to acknowledge the increasingly decentralised and heterogeneous pattern in the provision and financing of social services. It also cannot give any clear indication of the practical impact of such spending – in some cases, high social spending may simply be a result of inefficient resource allocation. Another approach is to measure 'outputs' – concrete results in terms of a range of indicators. Whilst such information is more meaningful, there are difficulties here too, especially in terms of interpretation. Improvements in certain indicators can be the result of a number of factors which may, or may not, be related to particular government policies (De Vylder, S., *Development strategies, macroeconomic policies and the rights of the child*, [1996], Discussion paper for Rädda Barnen, Stockholm).

Opinions vary as to how far it is possible to establish appropriate indicators, and more importantly, to develop meaningful analysis of the impact of overall government budgets on children. Nevertheless, there are signs that some governments are aware that this should be attempted, even in a rudimentary way:

> 'To improve the conditions for consistent and conscious child policy the Government proposes... that a balance showing the distribution of resources

between age groups should be included in the State budget. Research and statistics should be focused to a greater extent on children and their living conditions.'

(*Answers of the Government of Finland to the questions of the UN Committee on the Rights of the Child*, 8/1/96.)

In some countries, especially in the developing world, it is primarily NGOs that are pushing for this kind of analysis to be undertaken, and helping governments to strengthen their data collection and analysis. In South Africa, for instance, the Institute for Democracy in South Africa (IDASA) has recently published extensive research in this regard, producing a 'children's budget' (see box below).

Other experiments are underway in Norway and Sweden; however, at this stage, these innovations do not provide a comprehensive budget analysis, but more a compilation of current statistics and policies relating to children (Hodgkin, R., Newell, P., *Effective government structures for children*, Report of a Gulbenkian Foundation inquiry, London, [1996]).

The South African 'children's budget'

This joint project of IDASA Budget Information Service and the Youth Development Trust 'recognises that reprioritisation of government spending towards children is a serious challenge'. The children's budget tracks what the Government is spending on children in key areas – health, education, welfare, justice and policing – and raises the question of whether government is spending in the best way to deliver on its policy commitments to children.

The Government already allocates 60% of national and provincial spending on social services, and given limited resources, is unlikely to increase social spending in the near future. The children's budget takes note of these constraints and recommends ways in which social spending could be more efficiently directed towards realising the Government's commitments to children. In particular, reprioritisation towards basic service delivery for children must happen between programmes within departments, such as moving from curative to preventative services. What is needed is not just greater spending on children, but also more efficient spending.

The children's budget-sector studies identify policies targeting children in each sector, and examine the relevant departmental budgets to see whether spending programmes are linked to and follow policy directives. The studies reveal mixed results. There has been some progress at the national level, particularly in health and education, and moves to redistribute spending across the provinces.

In the welfare sector, while policies are being substantially reformed to target those who are vulnerable, particularly women and children, 79% of welfare expenditure is directed towards the elderly. Welfare services which cater largely for the needs of children are severely underfunded at only 9% of the welfare budget.

The recommendations from the children's budget include:

- a move towards primary preventative service delivery;
- recognition that child development strategies are inter-sectoral, and that departments must jointly plan and budget for co-ordinated child-friendly programmes;
- prioritising crimes against children;
- improving access to education for marginalised children;
- spending more of the welfare budget on children and families, and improving access to welfare services in all areas.

Source: abridged from the Executive Summary, IDASA, *A first call for children: The South African children's budget*, (1998).

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Norway

Since 1993, the Norwegian Government has published an annex to its national budget on state expenditure on children's issues. In September each year the Ministry of Children and Family Affairs requests from nine ministries details of policies for children and related budgets. The budget and the annex are presented to the Storting (Parliament), and debated.

According to the 1996 edition, the aim is:

> '...to develop an integrated, unified policy for children and young people cutting across departmental areas of responsibility and the lines between different sectors. The Department of Children and Family Affairs has overall responsibility for the co-ordination of public provision for children and young people.'
> (*Tilkalt forbarn og ungdom*, Ministry for Children and Families, Oslo, 1996.)

The annex describes the framework of public policy on children and young people, and then outlines specific activities and the budget for them under separate headings: family policy; loans and grants; children's living conditions; leisure, culture and democracy-building; health and social affairs.

Sweden

In Sweden in 1996, a 'supplement on children' was published alongside the national budget. By compiling information derived from government agencies, research bodies and others, a report was produced on the conditions facing children from 0–16 years in Sweden today. The first supplement included sections on how unemployment in the family affects children, how cuts in local budgets influence the lives of children, and on children at risk.

UK

With regard to the position in the UK, considerable progress is required if the measures taken to ensure the implementation of economic, social and cultural rights to the 'maximum extent of available resources' are to be regarded as adequate. In its comments on the UK's initial report, the UN Committee was particularly critical:

> 'It appears to the Committee that insufficient expenditure is allocated to the social sector both within the State party and within the context of international development aid; the Committee wonders whether sufficient consideration has been given to the enjoyment of fundamental rights by children belonging to the most vulnerable groups in society.'
> (*Concluding observations on the initial report of the UK*, CRC/C/15/Add.34.)

The new Government, however, appears to have made a promising start in establishing an economic policy which takes into account the interests of families and children. In his first budget statement on 2 July 1997 the Chancellor of the Exchequer, Gordon Brown, declared that the Government would introduce a national childcare strategy. He went on:

> 'From this Budget onwards, child care will no longer be seen as an afterthought or a fringe element of social policies. From now on it will be seen, as it should be seen, as an integral part of our economic policy.'

Although the details are still being worked out, it represents a significant step towards full recognition of the impact of macro-economic policy on children.

In his subsequent budget speech in March 1998, the Chancellor of the Exchequer set out long-term ambitions for the UK economy: securing economic stability; encouraging work and making work pay; promoting enterprise; creating a fairer society; and protecting the environment. In relation to families and children, the changes announced were particularly significant and built on the important principle set out in his first budget (see box on page 53):

UK Budget 1998: supporting families and children

'Families are the bedrock of a stable and healthy society. And in a fast-changing economy – with its uncertainties and vulnerabilities – families, now more than ever, need the security of support when bringing up children.

'Family values means we value families, all families. So our economic policy must not only encourage a stable and healthy society based on mutual rights and responsibilities but directly support families as they bring up children. This is not just for the four million children growing up in poverty in Britain today, but for every child who should have the best opportunities.

'But the system of child, and indeed family, support this Government has inherited is confused in its aims and contradictory in its impact, and it must be reformed on the basis of clear objectives. And the starting point in 1998 is exactly the same as stated by Beveridge in 1944: "That nothing should be done to remove from parents the responsibility of maintaining their children and that it is in the national interest to help parents to discharge that responsibility properly."'

Among a range of other measures, the Chancellor went on to announce:

- universal child benefit will be increased by £2.50 a week for the eldest child from April 1999 – an increase of more than 20%. Child premium for children under 11 on Income Support and Family Credit will be increased by £2.50 a week from November 1998;
- a new Working Families Tax Credit will allow those on lower incomes to keep significantly more of what they earn and will provide new help with childcare through the tax system;
- £500 million extra for health and £250 million for education and skills in 1998–99.

Source: The Chancellor of the Exchequer's budget speech, 17 March 1998.

In addition to the measures announced in the March budget, the Treasury is leading a broad-based review of policy and expenditure for children under eight in order to ensure effective preventative action and the necessary support for the development of their full potential throughout their lives. It will review whether current investment in a wide range of services for young children is effective. It is being conducted with input from a range of childcare professionals, academics and others, including social service directors, child psychologists, education professors and playgroup organisers. The results from the review – the first ever on this basis – will feed into the 'comprehensive spending reviews' taking place across Whitehall under the Treasury's direction.

Some concerns remain about the possible impact on children and young people of other economic and social policies intended to modernise the welfare state by promoting the general theme of getting benefit claimants off welfare and into work. There are fears, for example, that policies towards lone parents may hit some of the most vulnerable sections of the community, and that the new emphasis on providing help for young people in the labour market may evaporate if the economy turns down and may not reach the most marginalised. Nevertheless, it is clear that issues relating to the care of children – especially young children – are being accorded far greater priority within economic policy-making.

The Government's new paper on welfare reform (*New ambitions for our country: a new contract for welfare*, Cm 3805) highlights, among other issues, the worsening of inequality and social exclusion, especially among children and pensioners. The eight principles intended to guide the reform programme include supporting families and children, and tackling child poverty (see box on page 54).

Welfare Reform Proposals (Extract)

Principle Five

The system should support families and children, as well as tackling the scourge of child poverty

1. A fundamental principle of the welfare state should be to support families and children. But the way of doing that today must change. The shape of the family has changed significantly in recent decades. But families remain the building block of society. Children thrive in a secure home with loving parents. The family unit provides adults and children alike with emotional and financial support. By pooling income, families ensure a higher quality of life for all their members. But there have been significant pressures on the family. Men and women struggle with balancing work and family responsibilities. In addition, there is a huge problem of child poverty, with nearly three million children now raised in workless households, many of them by lone parents.

Our aims are to:

- support all families with children, especially poorer families;
- help workless parents into the labour market by lowering the barriers to work, especially the lack of affordable childcare;
- support working parents;
- ensure that financial and emotional support from parents continues even after separation;
- reduce the rate of conceptions among girls aged under 16.

Source: Department for Social Security, *New ambitions for our country: a new contract for welfare*, CM 3805.

These aims are to be implemented and judged according to four explicit 'success measures': an increase in support from the tax and benefit systems going to families with children; a reduction in the proportion of children living in workless households; a rise in the proportion of parents meeting their financial obligations to their children, after separation; and a decrease in the rate of conceptions among girls aged under 16 in the areas most affected.

International Development

Children in Developing Countries

The importance of international co-operation and assistance in implementing the Convention is stressed in Article 4. This is reinforced by mentions in other more specific Articles of the Convention, which all emphasise that particular account should be taken of the needs of developing countries. For example:

- Article 23 (paragraph 4) encourages international co-operation in exchanging information in relation to work with disabled children;
- Article 24 (paragraph 4) emphasises the need for international co-operation to ensure the right to health and health services;
- Article 28 (paragraph 3) encourages international co-operation with regard to education.

Against this background, the UN Committee's revised guidelines request states parties to:

> 'Please indicate the extent to which international co-operation relevant to the State Party is designed to foster the implementation of the Convention, including economic, social and cultural rights of children. Please indicate the proportion of international aid at the multilateral and bilateral levels which is allocated to programmes for children and the promotion of their rights and, where appropriate, the assistance received from regional and international financial institutions. Please also indicate the percentage of international co-operation contributed during the reporting period in the total government budget, as well as the percentages of such co-operation respectively allocated to the health sector, to the education sector, to the social sector and to other sectors. Please further indicate any relevant measures adopted as a follow-up to the Declaration and Programme of Action of the World Summit for Social Development.'
>
> *('General guidelines regarding the form and contents of periodic reports to be submitted by states parties under Article 44, Paragraph 1(b), of the Convention*, CRC/C/58, 20 November 1996.)

Globally, children bear the heaviest burden of poverty, and child poverty is increasing faster than adult poverty in countries at all stages of development. It is children who suffer most whether in high-profile emergency or conflict situations such as the Great Lakes region or Liberia, or in what has been called the 'silent catastrophe' – the still-rising number of children across the world growing up in acute poverty.

Yet, as this report has described elsewhere, policy-makers rarely, if ever, consider the impact of policies and programmes on children and rarely consult children about their needs. Again, it is often assumed that if the needs of adults are met, those of their children will be too – but in reality they are frequently different and occasionally can conflict. For instance, it may be in the household's interest for a child in a developing country to work outside the home to contribute to the family income, whereas it may be in the child's best interest to attend school and receive more formal education.

Children in developing countries, like women, perform a disproportionate amount of unpaid domestic labour and/or work outside the home. It is therefore appropriate that discussions about long-term development policy take their needs and rights into account and do not approach the debate solely from the perspective of adults. Children also make a major contribution to the household, the family business and the community – a contribution which never figures in mainstream economic analysis.

For these reasons, it is vital to acknowledge that children are actors in the development process in their own right, and not just the passive recipients of aid. Many developing countries are faced with a demographic profile in which children and young people under the age of 18 make up well over half of the population. Any attempt to create sustainable change for the better in the poorer countries of the world must build on their enormous potential and strengths.

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Overseas Aid and Development for Children

Coherent support for sustainable development

'It is the Department For International Development's (DFID's) responsibility to ensure that children are not – as they have so often been in the past – 'invisible' in development policy and humanitarian assistance. One key way this can be assured is to introduce explicit 'childproofing' within DFID's work – ensuring that all its policies and actions are carefully considered for their impact on children. It is also DFID's duty to ensure that all other government departments whose work affects children in the poorest countries take children explicitly into account when developing their policies in such areas as trade and the environment. One of the key ways it could begin to do all this is to review the work of DFID in the light of the UK Government's responsibilities to implement the UN Convention on the Rights of the Child in international development.'

Source: Save the Children, *White paper on international development: Submission by Save the Children*, London, (1997).

In spite of the significance of these issues, they rarely feature in conventional discussion of international development. In relation to the UN Convention, state party reports tend to centre more commonly on the – admittedly critical – issue of the provision of adequate aid for services.

A central aspect of this challenge for developed countries is the UN obligation to devote 0.7% of GNP to external aid. However, it is clear that very few countries currently meet this target, and that latterly several appear to have reduced rather than increased their contributions. This is in spite of the fact that there is widespread public support for boosting donor aid.

Europe

A 1991 Eurobarometer survey showed, for example, that among the member states of the former European Community, clear majorities of respondents were in favour of increasing aid (Denmark 80%, Spain 78%, Netherlands and Portugal 75%, UK 70%, Italy and Ireland 69%, Germany 67%, France 60%, Belgium 53% (*Eurobarometer*, (1991), Report No. 36, Commission of the European Communities, Brussels).

Few governments indicate in their reports particular levels of spending on aid, let alone aid directly for children. Unsurprisingly, the concluding observations of the UN Committee are critical of the financial commitment of several developed countries, including Italy, Denmark, Portugal and Spain. The picture is not, however, uniform and limited improvements and new commitments are visible in some countries. In its report to the Committee, the Irish Government states that its overseas development aid programme is being expanded, and that voluntary contributions to UN development agencies were increased by 80% in 1994 – although no figures are given in the report (*Initial report of the Irish Government*, CRC C 11 Add.12). Responding to a question from the UN Committee, the Finnish Government candidly admits that it temporarily gave up the 0.7% UN target, but argues that it is in the process of drawing up a plan to reach that target again (*Answers of the Government of Finland to the questions of the Committee on the Rights of the Child*, 8.1.1996).

Netherlands

According to the Dutch NGO Coalition for Children's Rights, the Dutch Government has taken an international lead with the memorandum 'Policy in infancy' (February 1994), in which the Articles of the Convention were compared to the development co-operation policy. [...] The Government also strongly advocates taking active steps to implement the 20/20 initiative agreed during the recent Social Summit in Copenhagen to secure more funds and more basic provisions primarily aimed at improving care for mother and child'. The Coalition views this approach as fundamentally important. Basic provision should not be compromised by diversion of resources to extreme circumstances or 'emergencies'.

> '...right now a strong emphasis on content in development co-operation policy remains essential in view of another trend: increasing attention for children in particularly difficult circumstances, which

threatens investments in basic facilities. Many of these 'visible emergencies' (such as child soldiers, sexually or economically abused children) are the result of 'silent emergencies', such as a lack of basic facilities in the fields of health care, education and nourishment. There are feasible and affordable solutions to ensure that these basic rights are respected, while curative care for street children or traumatised children, for instance, is very costly and complicated.'

(Kinderrechtencollectief, *Children's rights as a mirror of Dutch society*, Defence for Children International, Amsterdam, [1997].)

Sweden

The UN Committee is perhaps most positive about the internationalist approach adopted by the Swedish and Norwegian Governments. In 1991-92, Sweden allocated nearly 1% of gross national income for international development co-operation, and its contribution to UNICEF is the largest received by that organisation from any single country. In its concluding observations, the Committee therefore expressed its appreciation:

> '...for the significant contribution of the Swedish Government and the Swedish non-governmental organisations to improving the situation of children worldwide. The prominence given by the State Party to furthering the rights of the child through international co-operation and assistance directly benefiting children follows the spirit of Article 4 of the Convention and can serve as a useful guide for other States parties.'
>
> (*Concluding observations on the initial report of Sweden*, CRC/C/15/Add.2.)

Despite this praise, Rädda Barnen has expressed the view that, though 'human development' is one of the aims of the Swedish international development co-operation programme, the programme could move in a more 'child-friendly' direction (Rädda Barnen, *Monitoring mechanisms in Sweden*, [1994]).

Norway

In neighbouring Norway, although the state party report lacks a general description of government policy for development assistance and how it relates to implementation of the Convention, it is clear that the Government does accord relatively high priority to children. As part of the Norwegian national programme of action following the World Summit for Children, the Government reviewed the position of children as participants and beneficiaries of development assistance (Rädd Barna, *Comments on the Norwegian report to the UN Committee on the Rights of the Child*, [1993]). In practice, in 1992, 12% of development aid was aimed at improving the living conditions and environment for children, and 7% at educational programmes (*Initial report of Norway*, CRC/C/8/Add.7). The UN Committee considers especially noteworthy the fact that:

> '...Norway is one of the countries most strongly emphasising the priority of the social sector, both within its own development assistance programmes and through its participation in relevant international forums.'
>
> (*Concluding observations on the report of Norway*, CRC/C/15/Add.23.)

Promoting international co-operation is not, however, just a matter of allocating an adequate level of resources in line with UN targets, significant as this is. The key issues of how much of these resources reach children directly and what they are spent on remain largely neglected.

Canada

The example of Canada, described in detail in a report by the Canadian Coalition for the Rights of the Child, is particularly instructive and is representative of a number of disturbing shifts in development policy and practice which appear to be taking place in many countries – despite the positive initiatives referred to above. Although the Coalition acknowledges that over the past 40 years Canada has been one of the leading nations in caring for the world's children, and welcomes a range of initiatives supported by the Government, it notes a long-term decline in Canada's general overall support for foreign aid (which fell by 10% in real terms in 1993 from the previous year). The Coalition is also concerned about the direction of this assistance, with an apparent shift from basic human needs to infrastructure programmes. Less than 5% of the Canadian International Development Agency's current budget is devoted to health and only two of 600 bilateral projects are for primary education. In addition, it appears that Canada's foreign aid is increasingly being allocated to middle-income countries rather than

low-income countries that are much more needy, especially with respect to children:

> 'Funds are being directed increasingly towards stimulating trade and achieving economic objectives rather than meeting human needs. Canada recently contributed $122 million in foreign aid to countries that used to comprise the Eastern European bloc; this amount represents one-half of its total contribution to the 31 poorest African nations.'
>
> (Canadian Coalition for the Rights of the Child, *NGO response to the UN Committee*, 5 October 1994.)

Rights of the child – UK international development policy

'We shall support international efforts to enhance children's well-being through implementation of the Convention on the Rights of the Child, promoting children's protection and participation, alongside the provision of effective and sustainable services.

'Children have a right to basic standards in health care, education, food, shelter and welfare; governments have a duty to support, and if necessary assist, parents in meeting these rights. Provision of services will therefore continue to be an essential part of our contribution to promoting children's rights. At the same time, we shall place a stronger emphasis on combining provision with children's protection and participation. For example, we shall support the development of education systems where children are educated about their rights – and are shielded from violations of these rights.

'We shall encourage and support stand-alone programmes which can enable development partner countries to protect children from a violation of their rights. We will also promote strategies and programmes which enhance children's and young people's participation in the decisions that affect their lives.'

Department For International Development, *Eliminating World Poverty: A Challenge for the 21st Century*, 1997, CM3789.

UK

In the UK, the incoming Government has pledged to radically overhaul policy on international development. Most importantly, the aid programme has been brought back into the mainstream of government decision-making with the creation of a new Department For International Development led by a Cabinet Minister. This has led to the publication of a white paper on the subject – the first since 1975 – which sets out, among others, new commitments to:

- refocus international development on the elimination of poverty with the aim of contributing to halving the proportion of the world's population living in extreme poverty by 2015;
- ensure that the full range of government policies affecting developing countries, including environment, trade, investment and agricultural policies, take account of the objective of sustainable development;
- give particular attention to human rights, building on the Government's ethical approach to international relations;
- encourage financial stability and the reduction of the external debt of developing countries to sustainable levels;
- start to reverse the decline in UK spending on development assistance, and to reaffirm the UK's commitment to the 0.7% UN target.

Already, some important steps have been taken in line with these general objectives. For example, the UK has rejoined UNESCO, which the previous Government left in 1985. The Government has committed itself to supporting an international ban on the manufacture of and trade in anti-personnel land mines. The £73 million aid and trade provision programme, which tied aid donations to the purchase of British goods and led to highly controversial projects such as the building of the Pergau dam project in Malaysia, has been scrapped. And an annual report on human rights in foreign policy will provide a regular opportunity for appraisal of the Government's new commitment to ethics and human rights.

The white paper also highlights the issue of children's rights (see box on left) and indicates that the

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Government plans to address this within the framework of the UN Convention. It goes on to set human development targets alongside economic targets, including universal primary education in all countries by 2015, and a reduction by two-thirds in the mortality rates for infants and children under age five by the same year.

Welcome though all these developments are, questions remain as to how these objectives will be achieved in practice. Although long-term targets are set, no clear timetable is provided to indicate how they will be met. There are also fears that, given the Government's self-imposed spending limits, it will not prove feasible to carry out proposals such as increasing the UK aid budget – at present among the lowest in the developed world at 0.27% of GNP.

Making the Convention Widely Known to Adults and Children

The 49th session of the UN General Assembly in its Resolution 49/184 proclaimed the 10-year period beginning 1 January 1995 the United Nations Decade for Human Rights Education. The resolution declared that:

> '...education for human rights and democracy is itself a human right and a pre-requisite for the realisation of human rights, democracy and social justice.'

The plan of action for the decade set out five main objectives:

- the assessment of needs and the formulation of effective strategies to further human rights education at all school levels;
- the building and strengthening of programmes and capacities for human rights education at international, regional, national and local levels;
- the co-ordinated development of human rights education materials;
- the strengthening of the role and capacity of the mass media to further human rights education;
- the global dissemination of the Universal Declaration of Human Rights.

In line with this plan, the UN Committee's revised guidelines put strong emphasis on the importance of making the UN Convention on the Rights of the Child widely known to adults and children:

> '...States are requested to describe the measures that have been taken or are foreseen, pursuant to Article 42 of the Convention, to make the principles and provisions of the Convention widely known, by appropriate and active means, to adults and children alike.'
> (*General guidelines regarding the form and contents of periodic reports to be submitted by states parties under Article 44, Paragraph 1(b), of the Convention*, CRC/C/58, 20 November 1996.)

In its concluding observations, the Committee has emphasised that dissemination can achieve a variety of purposes. These are:

- ensuring the visibility of children;
- enhancing respect for children;
- reaffirming the value of children's fundamental rights;
- enhancing democratic institutions;
- achieving national recognition;
- encouraging the protection of the rights of children belonging to minority groups;
- changing negative attitudes towards children;
- combating and eradicating existing prejudices against vulnerable groups of children and harmful cultural practices.

(Newell, P., *Draft implementation handbook on the UN Convention on the Rights of the Child*, UNICEF, [1997].)

The following sections highlight varying approaches in pursuit of these objectives.

Language Translation

It is very important that individuals should know what their rights are under the UN Convention, if these are to be respected and implemented fully. The UN Committee's revised guidelines therefore ask states parties to provide information on:

> '...The extent to which the Convention has been translated into the national, local, minority or indigenous languages. In this connection, an indication should be given of the number of languages in which the Convention has been translated and the number of copies translated into the minority languages during the reporting period.
>
> 'Whether the Convention has been translated and has been made available in the languages spoken by the larger refugee and immigrant groups in the country concerned.'
> (*General guidelines regarding the form and contents of periodic reports to be submitted by states parties under Article 44, Paragraph 1(b), of the Convention*, CRC/C/58, 20 November 1996.)

Despite the unambiguous statement in Article 30 of the Convention that a child has the right to enjoy 'his or her own culture, to profess and practise his or her own religion, or to use his or her language', language

diversity is often not recognised in practice in many states – especially in relation to refugee and immigrant groups.

Belgium and Denmark

From the concluding observations of the UN Committee it is clear that the guidelines are frequently not addressed in state party reports. To the Belgian Government, for instance:

> '...the Committee recommends that the principles and purposes of the Convention be made widely known in the languages spoken in Belgium, and translated also into the languages of major refugee and immigrant groups.'
> (*Concluding observations on the initial report of Belgium*, CRC/C/15/Add.38.)

And also to the Danish Government:

> '...the Committee recommends that the principles and purposes of the Convention be made widely known in the main languages of the minority, refugee and immigrant groups living in Denmark.'
> (*Concluding observations on the initial report of Denmark*, CRC/C/15/Add.33.)

Finland

The governments in a number of countries argue, however, that there is little need for this as members of immigrant and refugee communities usually speak one of the official languages. The Finnish Government, for instance, states that the Convention has been translated into Swedish, but:

> 'Because of the curricula in Finnish schools, people belonging to national minorities in Finland usually know the Finnish language even when it is not their mother tongue.'
> (*Answers of the Government of Finland to the questions of the Committee on the Rights of the Child*, 8/1/96.)

While this may objectively be the case, it is important – in the light of Article 30 – to challenge the commonly held position that minority ethnic communities must simply understand the language of the majority community, thereby downgrading the importance of their own language.

Norway

It appears that a more inclusive approach has been adopted in Norway, where:

> 'The Convention has been published in Norwegian and New Norwegian (the two official written forms of Norwegian), in Sami and in English. It will also be made available in the languages of major immigrant and refugee groups.'
> (*Written answers from the Government of Norway to the list of issues forwarded by the Committee on the Rights of the Child*, 16/3/94.)

UK

The previous UK Government believed, on the other hand, that it is simply not practical to undertake translation into minority languages:

> 'Every person in the United Kingdom has the right to enjoy his or her own culture, to profess and practise his or her own religion and to use his or her own language. However, with over 200 minority languages used in the United Kingdom it would be both impractical and too costly for the United Kingdom to provide, as of right, translations of public correspondence and proceedings in all minority languages.'
> (*Initial report of the UK*, CRC/C/11/Add.1.)

The 1993 Welsh Language Act establishes the principle that in the conduct of public business and the administration of justice, Welsh should be treated on an equal basis with English and the Convention has therefore been distributed in Welsh.

Sweden

As for Sweden, the Government mentioned during the scrutiny hearings with the UN Committee that voluntary immigration organisations have translated the Convention into five languages with state funding (Rädda Barnen, *Comparative study on the political and legal status of the UN Convention on the Rights of the Child in Europe*, [1997]).

New Zealand

In other countries too, it is not only governments which have helped to translate the Convention. In New Zealand, the Office of the Commissioner for Children, in conjunction with UNICEF, produced an attractively illustrated English/Maori version of the Convention

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in 1992. An advance copy was presented to Te Arikinui Dame Te Atairangikaahu (the Maori Queen), and further copies were distributed to all members of Parliament. In South Africa, where the founding provisions of the new constitution recognise explicitly the historically diminished use and status of indigenous languages and acknowledge that the state must take practical and positive measures to elevate the status of the languages, NGOs have played a prominent role in translating the Convention.

Beyond the facts of whether the Convention has been translated into particular languages or not, an issue which remains relatively unexplored here – and not addressed by the UN Committee – is the difficulty in some cases of finding appropriate terms which convey the full meaning of the original text in another language.

Germany

For example, a national NGO coalition in Germany argues that:

> '...the translation of the original English phrase "the best interests of the child" with the German term "Kindeswohl" needs some clarification. According to general German legal terminology, the term "Kindeswohl" is primarily used to legitimate protective state intervention when laws have been violated (e.g. withdrawal of the parental right to custody of the child when the "Kindeswohl" has been violated).' (National Coalition for the Implementation of the UN Convention, *Assessment of the initial report of the Federal Republic of Germany*, 1995.)

In contrast to this, the Convention establishes a positive meaning that obliges governments to ensure not only protection, but also provision and participation for children.

Children with disabilities

A final issue which is not referred to, either in the guidelines or in the reports of state parties, is that of the importance of access in appropriate formats for children with disabilities. This could be tackled through versions in Braille, tape, sign language video, or other more innovative formats. As yet, however, adherence to the 'non-discrimination' principle of Article 2 is undermined by this widespread failure to consider the particular needs of disabled children.

Publicising the Convention

Raising awareness of the Convention and changing traditional images of, and approaches to, children are key challenges in relation to the implementation of the Convention. The Committee's revised guidelines request information on:

- 'The specific steps taken to make the Convention widely known to children and the extent to which it has been reflected in the school curricula and considered in parents' education campaigns. An indication should be given of the number of copies of the Convention distributed in the educational system and to the public at large during the reporting period.
- 'The measures adopted to publicise the Convention and create widespread awareness of its principles and provisions. In this connection, an indication should be given of the number of meetings (such as parliamentary or governmental conferences, workshops, seminars), the number of programmes broadcast by radio or television and the number of publications explaining the Convention on the Rights of the Child during the reporting period.
- 'The steps taken to promote understanding of the principles and provisions of the Convention by the mass media and by information and publishing agencies.'

(*General guidelines regarding the form and contents of periodic reports to be submitted by states parties under Article 44, Paragraph 1(b), of the Convention*, CRC/C/58, 20 November 1996.)

Portugal

From the available evidence, it appears that in several Western European countries, little attention has been focused on this important topic as yet. Portuguese NGOs, for instance, have suggested that following ratification, the Government only publicised the Convention amongst a very limited section of the population. Furthermore:

> 'No efforts were made to bring information to the attention of families and children, especially via the media, state television for example. There is an obvious information gap regarding the very

existence of these rights and the means of enforcing them.'
(NGO report on Portugal, 5 May 1995.)

The UN Committee implicitly endorses this view, recommending the launch of a permanent information campaign, for both children and adults (*Concluding observations on the initial report of Portugal*, CRC/C/15/Add.45).

Belgium

To the Belgian Government, the Committee similarly states that it would:

> '...like to encourage the State party to further develop an ongoing and systematic approach to making the principles and provisions of the Convention widely known to children and adults alike.'
> (*Concluding observations on the initial report of Belgium*, CRC/C/15/Add.38.)

The Belgian NGOs are more condemnatory, arguing that the Government's report to the UN has not been made available to the public, that NGOs have not had access to it, and that no plan of action has been put in place to disseminate it (*Observations des ONG belges sur le rapport relatif à la mise en application de la Convention relative aux droits de l'enfant*, 1994).

Germany

In neighbouring Germany, activity on the part of the federal Government has also been limited. The Committee:

> '...is concerned about the insufficient awareness and understanding among adults and children of the principles and provisions of the Convention.'
> (*Concluding observations on the initial report of Germany*, CRC/C/15/Add.43.)

German NGOs are also sceptical of the progress which has been achieved, arguing that despite the measures taken so far, mainly at the level of the Länder, the Convention is still largely unknown in Germany. They conclude that the design of a comprehensive strategy is imperative, including separate measures at all levels to spread information, based on a real dialogue between state institutions, NGOs, and children (*Assessment of the initial report of the Federal Republic of Germany by NGOs*, March 1995).

Nevertheless, the UN Committee notes that the German Government acknowledges that:

> '...a key area of attention should be the development of a comprehensive and systematic strategy for disseminating information and creating awareness of the rights of the child. The development of public campaigns through the use of the media and the involvement of civil society, through non-governmental organisations and children's groups, would contribute to effectively addressing the need to increase understanding and to promote respect for the rights of the child.'
> (*Concluding observations on the initial report of Germany*, CRC/C/15/Add.43.)

Netherlands

Slightly more positive is the experience in the Netherlands, where in 1996 the Government launched a nationally organised information campaign on the content of the Convention, directed at 10-14-year-olds, with the slogan 'Talking brings you your rights'. But although Dutch NGOs have described the initiative as 'laudable', they suggest that the campaign has a number of weaknesses. These include: the lack of willingness of the 600 local authorities to inform children and organisations working with children about the Convention; the one-off nature of the campaign; the limited target group; and the failure to provide information to key professionals, such as teachers, care workers, doctors, judges and lawyers (Kinderrechten-collectief, *Children's rights as a mirror of Dutch society*, Defence for Children International, Amsterdam, [1997]).

Other approaches

Beyond these limited approaches, there is, however, evidence that a wide range of measures – including publications on the Convention, television programmes, exhibitions, videos and slide shows, seminars and conferences, and competitions – have been initiated across ratifying member states to publicise the Convention.

Mongolia

The UN Committee is complimentary of the efforts made in a number of countries. In relation to Mongolia, for example, in a context of political transition, social change and deep economic crisis:

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> 'The Committee is encouraged by the Government's willingness to disseminate the Convention within Mongolian society and to make public through the media, and especially television programmes, all its related actions.'
> (*Concluding observations on the initial report of Mongolia*, CRC/C/15/Add.48.)

Spain

Of particular interest in relation to Spain, among other activities, is the designing of a travelling exhibition on the rights of the child. To quote the Government report:

> 'Since its launching, on 1 December 1989, the exhibition has covered the whole of Spain. It was designed so that in every place in which it was shown there was an obligatory reference to the widest possible participation. Both the autonomous and local authorities and the non-governmental organisations on the spot took part in organising it. In every case children played an active part, not only on the premises where the exhibition was being shown but in the parallel events which were organised both in the schools, particularly in the form of workshops, and in other places where at times what amounted to real local assemblies were held...'
> (*Initial report of Spain*, CRC/C/15/Add.28.)

Austria

When Austria ratified the Convention, the Federal Government, along with newspapers and a major financial institution, organised a competition among children for the best drawings on children's rights. The winning drawing was used to design a special postage stamp, and the winner accompanied the Federal Minister for Youth and the Family to the United Nations. In all there were around 25,000 drawings, some of which were exhibited in the Austrian Parliament. Other initiatives by the Federal Government included an illustrated handbook for children, an opinion survey of children, as well as support for the organisation of a pupils conference and a media kit for schools. (*Initial report of the Austrian Government*, CRC/C/11/Add.8).

Cyprus and Canada

Another specific initiative worth mentioning was established in Cyprus, where the Committee for the Protection and Welfare of Children organised a 'children's week', which focused on the Convention (*Concluding observations on the initial report of Cyprus*, CRC/C/15/Add.59); whilst in Canada, the Government has produced a variety of videos, pamphlets and other publications about children's rights and the Convention, and the Committee:

> '...notes with satisfaction the numerous activities undertaken to disseminate information relating to the Convention.'
> (*Concluding observations on the initial report of Canada*, CRC/C/15/Add.37.)

NGOs have been central to these initiatives, producing educational materials and games and distributing them to schools and libraries etc. The Canadian Coalition for the Rights of the Child has also published a youth version of the Convention, 'Say it right', and is working to encourage youth participation in NGOs and to involve young people in monitoring the Convention (Save the Children Canada, response to the SCF survey).

New Zealand

In New Zealand, NGOs and the Commissioner for Children have also been very involved in promoting general awareness of the Convention:

> 'Notice was sent to schools and media publicity was arranged of availability of the local edition of the Convention published jointly by UNICEF and the Commissioner for Children's Office in English and Maori. A school kit on the Convention was prepared by a media group called 'Newspapers in Education', with the help of the Commissioner for Children. Further material has been circulated to schools by the Ministry of Youth Affairs.'
> (Independent Children's Advocate, New Zealand, response to the SCF survey.)

Iceland

The position is similar with regard to Iceland. In its concluding observations, the Committee praises the Government's co-ordinated approach to publicising the Convention:

66

> 'The Committee acknowledges the efforts undertaken by the authorities to find creative ways to ensure the effective dissemination of the Convention, such as the establishment of an interministerial working group to decide on the form the publicity campaigns on the Convention should take.'
> (*Concluding observations on the initial report of Iceland*, CRC/C/15/Add.50.)

Barnaheill applauds the publishing of the Convention in three separate editions for the age groups 6–9, 9–12, and 12–15 years, and the dissemination of 50,000 copies which were distributed to all children in elementary schools. However, it argues that all public discussion on the UN Convention and children's rights in Iceland has been initiated and organised by NGOs. Barnaheill has, in particular, undertaken a comprehensive programme, visiting workplaces, nursery and primary schools to talk about the Convention and distribute materials (*Supplementary report to the Icelandic report on the implementation of the Convention on the Rights of the Child*, June 1995).

Finland

In Finland too, whilst the Convention has been published by the Government in Finnish and English, it is again NGOs that have led the way in developing awareness through posters, articles, events and discussions. For example, the Central Union for Child Welfare is working on a school edition of the Convention (Response to the SCF survey), and the Mannerheim League initiated a special information campaign in 1997 for teachers and pupils in relation to Article 34 – sexual exploitation (Mannerheim League, response to the SCF survey).

Sweden

The UN Committee is especially generous in its praise of the approach in Sweden:

> 'Particularly noteworthy is the Government's spirit of dialogue with the non-governmental organisations, especially in regard to publicising the Convention and promoting awareness among the general public.'
> (*Concluding observations on the initial report of Sweden*, CRC/C/15/Add.2.)

In its response to the Save the Children survey, the Swedish Government explained that national NGOs were given 30 million Swedish Kroner (£2.3 million) by the Government to inform the general public about the Convention. Special versions of the UN Convention, adapted to different age groups, were handed out free to schools and similar institutions. For the future:

> 'Twenty million Kroner will be used by the Government to inform local politicians and civil servants.'
> (Ministry of Health and Social Affairs, Sweden, response to the SCF survey.)

Nepal

In a number of countries, particular initiatives have focused on attempting to engage children in responding to the Convention. Again much of this activity has been generated by NGOs. In Nepal, for example, in 1990, around 35 NGOs got together and held a national convention on children's rights. Out of this a child rights coalition was formed. At about the same time, a children's awareness group was also formed – the first Nepali child rights NGO – with child members who provided some input to the Government's initial report. Campaigns were also initiated to raise the awareness of children of the Convention, with active participation from children themselves. Nepal was also the first country to include a child in its delegation to the Committee. In its concluding observations, the UN Committee welcomed:

> '...the readiness of the State Party to collaborate with the non-governmental organisation community, including children's organisations, which was reflected in the drafting process of the Government's report and in the presence during the dialogue of a child representative of a non-governmental organisation.'
> (*Concluding observations on the initial report of Nepal*, CRC/C/15/Add.57.)

Publicising the Convention in Norway

The Ministry of Children and Family Affairs undertook an initial three-year campaign from 1994–97 to disseminate information on the Convention. Although the campaign addressed all children and adults, particular attention focused on target groups. Some activities have been carried out by government, and others have been funded by government and implemented by NGOs. The main activities are summarised below.

General

- The Norwegian Report to the UN Committee was distributed to all municipalities and counties in the country, all colleges of education, health, and welfare studies, the Norwegian College of Journalism, and all voluntary children's and youth organisations.
- Five posters were printed addressed to children, as well as a large number of information brochures and leaflets, and distributed to schools and child-care institutions.
- A slide show on children's rights was produced, and support given to a number of children's festivals where the Convention has been presented.
- Funds were also provided for the production of a special issue of a children's magazine dealing with the Convention, and a children's book on children's rights was published along with a volume for adults dealing with the Convention in relation to Norwegian law.
- The Convention was published in four languages.

Childcare institutions and schools

- An educational programme was developed for teaching children about the Convention.
- A teaching programme was developed for sixth to ninth grades, together with additional programmes for lower grades.

Leisure, recreation and cultural activities and voluntary children's and youth organisations

- Information and teaching materials addressed to adult supervisors and to children for further dissemination to other children have been tested.

Higher education institutions

- Copies of the Convention and Norway's report to the UN have been sent to institutions that train personnel who work with children.
- A special information booklet has been published for teachers' organisations, child and social welfare services, school authorities, schools and pupils' organisations.
- A seminar has been held for employees in child-care institutions and students at colleges of education and social welfare studies.

Municipalities

- Children are informed of their rights in relation to the municipality where they live.
- In one county, an information booklet has been published for the planning authorities.
- Support has been given to pilot projects to encourage broader participation by primary and lower secondary schools in municipal planning measures.
- Courses on children's rights have been held for newly elected politicians in municipal health and welfare committees.

The media

- A television series and several television spots on children's rights have been produced.
- All branches of the media have been encouraged to take up issues connected with children's rights.

The Government

- The campaign addressed to the state administration focused on information on children's and adolescents' rights in relation to planning.

Source: *Written replies of the government of Norway to the list of issues forwarded by the UN Committee on the Rights of the Child*, 16.3.94.

Costa Rica

Initiatives to involve children in activities relevant to children's rights have also taken place in other countries. In Costa Rica, a ground-breaking audit of children's rights is being carried out to reinforce children's rights through a three-way agreement between the Costa Rican ombudsman ('Defensor de los Habitantes'), UNICEF and CIET International. Encouraging children to talk to adults about issues which concern them, the intention is for local communities to start to deal with, and find, relevant solutions to local problems. The techniques used to elicit information are varied, and include questionnaires, focus groups, games and 'photo interviews'. The results of this 'active monitoring' initiative have been shared not only with participating communities, but also with schools, donors and key policy-makers. By December 1998, this relatively low-cost initiative (US $10,000 per canton for a three-year period) aims to be using the scheme in all five regions of Costa Rica (Andersson, N., 'Giving children a voice in the active monitoring of their rights', *Childright*, January/February 1998, No. 143).

Africa

In Zimbabwe, young people have helped to develop materials for dissemination of information about the Convention (Save the Children [UK], Zimbabwe, response to the SCF survey). In addition, children's participation has been encouraged by the organisation of a 'children's parliament' and the promotion of youth councils and child mayors (*Concluding observations on the initial report of Zimbabwe*, CRC/C/15/Add.55).

Elsewhere in Africa, comparable initiatives have been instigated as well. With reference to Senegal, the UN Committee welcomes the establishment of children's parliaments at national and regional level (*Concluding observations on the initial report of Senegal*, CRC/C/15/Add.44). And in South Africa, in the run-up to submission of the state party report, considerable NGO activity has taken place, including the initiation by the National Children's Rights Committee of children's summits and preparatory regional workshops (Johannesburg Child Welfare Society, response to the SCF survey).

Europe

Very similar developments are evident in relation to developing countries in Central and Eastern Europe. Commenting on the initial report of Slovenia, the UN Committee:

> '...is encouraged by the initiatives taken by the State Party to promote children's rights through the organisation of events, the publication of materials and the production of television programmes. In this regard, the Committee welcomes, inter alia, the establishment of a national children's parliament, which has already had six sessions, and the existence of Youth Councils and Child Mayors' meetings.' (*Concluding observations on the initial report of Slovenia*, CRC/C/15/Add.65.)

Whilst these initiatives are clearly interesting, many are relatively recent. Longer-standing initiatives exist in France (see box on page 69), but they have also now percolated through to other states such as Belgium.

UK

In the UK, there is little culture or tradition of promoting children's participation in decisions that affect them, despite some progress at local authority level. In 1997 the Local Government Information Unit (LGIU) reviewed current good practice at the level of local decision-making (Willow, C., *Hear! Hear! Promoting Children and Young People's Democratic Participation in Local Government*, LGIU and National Children's Bureau, [1997]). Save the Children has a strong track record of facilitating such participation with local government.

Several NGO initiatives have aimed to make the Convention accessible to children and young people. For example, children and young people were involved in the NGO alternative report to the Committee on the Rights of the Child co-ordinated by the Children's Rights Development Unit (CRDU) (CRDU, *UK Agenda for Children*, London, [1994]) which provided a rare opportunity for the communication of their views to a wider audience. As a result of this initial experiment, a new children's organisation (called Article 12) has recently been set up, supported by the Children's Rights Office but run by and for children (Lansdown, G., *A model for action: The Children's Rights Development Unit*, Innocenti Studies, UNICEF, [1996]). Save the

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Children or Youth Town Councils in France

Children or Youth Town Councils (C/YTC) have existed since 1979, the first having been set up in Schiltigheim in Alsace. By 1994, around 500 had been set up, a few in very large cities, some in fairly large towns of 30,000 people, and many in the 10-20,000 inhabitant bracket. In a C/YTC adults (mayors, elected representatives, teachers, parents, members of associations, etc.) listen to young people, and look with them at projects put forward by the young people themselves. The young people and adults together consider what a project can achieve, what it would cost and how to complete it.

The election methods, structures and roles of the councils vary. What a council is expected to achieve also varies significantly, depending on the targets set by its promoters and the resources – people, money and materials – they have to undertake the job. Their value can be many sided:

- to teach young people how democracy works through voting, how to act as a representative of others, and a sense of balancing different interests;
- to help in 'socialising' children: the child must work together with others in practical ways, as part of a team, in understanding, assessing, making choices, making changes, putting his/her ideas in order, and organising projects to a deadline;
- to teach public speaking: the children must learn meeting discipline – many committees appoint a chair and a rapporteur – and how to listen to each other;
- to explain institutions and the most realistic approach to life in society. In this way administrations can be demystified, through knowledge and therefore greater control;
- to provide a way of integrating young people. Sometimes the C/YTCs provide young people who would otherwise be pushed on the sidelines – immigrants or school underachievers – with a place where they can gain recognition of their personality, and develop their talents.

E. Lebault suggested:

> 'If they are to learn, children and young people need to be involved in actually doing something. Thus it is by setting up projects that they learn to negotiate, to talk to each other, to tackle tricky situations and that each of us can create his/her space in society, and become an active citizen.
>
> 'If councils are subject to draconian rules, turned into meetings of good little kids who hardly dare to ask permission to walk on the grass, we deprive ourselves of their outlook, and we deprive them of a chance to learn about the world.'

She goes on to identify a number of features which promote successful councils, including the setting up of a monitoring committee to direct and develop the C/YTC, and the existence of broader policies within schools, youth and leisure services which are compatible with those of the C/YTC.

Source: Lebault, E., Children or Youth Town Councils, in Verhellen, E., Spiesschaert, F., *Children's rights: Monitoring issues*, Mys and Breesch, (1994).

Children supports Article 12 Scotland, and has worked with groups of children in different parts of the UK on the expression of children's rights issues.

There are indications, however, that the Government is intending to adopt a much more positive approach to children's participation in the future. Commenting on the Government's plans for drawing up the second UK report to the UN Committee, the Under-Secretary of State for Health has stated that 'children and young people will for the first time be actively involved in this process' (Boateng P., *Childright*, September 1997, No. 139). Although at the time of publication it is unclear how this commitment will be enacted, acceptance of the importance of consulting with children is very welcome. On a wider scale too, greater attention is being accorded within government circles to encouraging children's involvement. One publicised

example is the creation of a 'junior board' or 'junior council' of 20 or so young people to advise on ideas for the Millennium Dome in Greenwich. There are also many voluntary initiatives. For example, Save the Children is involved with Centrepoint, Demos, Pilotlight and the National Council for Voluntary Organisations in a project funded by the Camelot Foundation to consult with young people facing social exclusion, the results of which will be made available to political audiences.

While the Government is only now beginning to establish pilot initiatives in this area, Save the Children has long argued that mechanisms must be created to enable children to speak out on all matters which affect them, and that policy-makers should take account of their views. Based on a range of practical examples, a recent Save the Children report concluded that:

> 'In the debate over children's lives, one set of voices is absent: that of children and young people themselves. Their experiences of modern life are little known, their views are rarely sought or publicised and they are generally not encouraged to participate in the organisation and development of community activity in partnership with adults. But children and young people do have contributions to make. They have expert knowledge of the behaviour of children and young people, and what this implies – at school, on the streets, in youth clubs, in the leisure centre, in the family and so on. They also have views on what could be done to improve the environment, make the streets safe and make schools better places to study and learn. What is more, when children and young people are offered an opportunity to assume responsibility for themselves and for others, they repeatedly demonstrate how able and willing they are to take it.'
>
> (Save the Children, *All together now: Community participation for children and young people*, London, [1997].)

Training Professionals

Raising awareness of the Convention depends not only on implementing active measures directed at children and adults but also, as a crucial element, on providing information and training to relevant professional groups. The Committee's revised guidelines therefore request information from state parties on:

> '...The measures adopted to provide education and teaching on the Convention to public officials, as well as to train professional groups working with and for children, such as teachers, law enforcement officials, including police, immigration officers, judges, prosecutors, lawyers, defence forces, medical doctors, health workers and social workers.
>
> 'The extent to which the principles and provisions of the Convention have been incorporated in professional training curricula and codes of conduct or regulations.'
>
> (*General guidelines regarding the form and contents of periodic reports to be submitted by states parties under Article 44, Paragraph 1(b), of the Convention*, CRC/C/58, 20 November 1996.)

Jamaica

In some countries, progress has been made. In Jamaica, information about the Convention is being included in seminars and workshops conducted for various professional groups. For instance, an awareness programme directed especially towards police officers was launched in November 1994 at a workshop among senior members of the police force which was attended by the Commissioner of Police, the Minister of Youth and the Commissioner of Corrections. This was the first of a series of 12 monthly workshops to be held island-wide at all levels of the police force. And with the support of UNICEF, a special training programme has been arranged for judges, to be incorporated in the meetings of their professional association (*Written replies from the Government of Jamaica to the questions raised by the UN Committee on the Rights of the Child*, 17 January 1995).

Poland

With reference to Poland, the Committee comments positively:

> 'It is encouraged by steps taken with regard to the training of teachers in the rights and principles of the Convention as well as similar activities undertaken for the benefit of judges.'
>
> (*Concluding observations on the initial report of Poland*, CRC/C/15/Add.31.)

Italy, Denmark and Canada

Despite the importance of steps such as these, it appears, however, that governments in many states have as yet paid little attention to this area. In its concluding observations on a wide range of states world-wide, the Committee therefore recommends the development of professional training:

> 'In the spirit of the United Nations Decade for Human Rights Education, the Committee further encourages the Government to give consideration to the incorporation of the rights of the child in the school curricula. Similarly, training about the Convention should be incorporated into the curricula of professionals working with or for children, including teachers, social workers, law enforcement officials, judicial personnel and personnel of the Italian contingents of the United Nations peace-keeping forces.'
> (*Concluding observations on the initial report of Italy*, CRC/C/15/Add.41.)

> 'In connection with the State Party's ongoing efforts to create a greater awareness of the Convention, the Committee would also like to suggest that education about the principles and provisions of the Convention be systematically incorporated into retraining programmes and training curricula for various professional groups working with and for children, such as teachers, social workers, law enforcement personnel and judges.'
> (*Concluding observations on the initial report of Denmark*, CRC/C/15/Add.33.)

The Government of Canada, meanwhile, states that the Human Rights Directorate of the Department of Canadian Heritage works to develop educational material on the Convention. Although it admits that no systematic approach to training professionals has been initiated, the Government did provide funding to UNICEF Canada for the development of training courses on the Convention, targeting various professionals including lawyers and social workers (*Written replies by the Government of Canada*). Nevertheless, the Committee suggests this does not go far enough:

> '...the State party should integrate the Convention into the training curricula for professional groups dealing with children, especially judges, lawyers, immigration officers, peace-keepers and teachers.'
> (*Concluding observations on the initial report of Canada*, CRC/C/15/Add.37.)

Finland

In other industrialised states, some positive measures have been taken, but advances are still piecemeal. The Finnish Government argues that international human rights conventions, including the Convention on the Rights of the Child, are nowadays part of the requirements for the degree almost invariably held by professional judges, senior police officers and prison governors. For social and health care personnel the Convention has been a part of the programme at numerous retraining courses and seminars, and human rights and rights of the child are mainstream subjects of teacher education and training (*Written answers of the Government of Finland to the list of questions of the UN Committee on the Rights of the Child*, 8 January 1996). Nevertheless, the Committee remains sceptical and:

> '...recommends that periodic training and retraining programmes on the rights of the child be organised for professional groups working with or for children, especially social workers, but also teachers, law enforcement officials and judges, and that human rights and children's rights be included in their training curricula.'
> (*Concluding observations on the Government of Finland*, CRC/C/15/Add.53.)

It appears that this recommendation has had some effect. According to one NGO, the Ministry for Health and Social Welfare is now working on a brochure addressed to health and social workers (Central Union for Child Welfare, Finland, response to the SCF survey).

Portugal

Some of the more serious attempts to provide training on the Convention have been instigated by governments in Southern Europe. Although the UN Committee makes the same broad comment to the Portuguese Government on the need to develop training for all professional groups, the state party report indicates that some initiatives have already been established for law enforcement officials:

'...the Centre for Juridical Studies, an institution for the training of judges and government procurators, brings the Convention to the attention of junior magistrates. In the Centre's training seminars, stress is also laid on study of the Convention, and on the important role of the courts in ensuring its effective implementation.

'The police are also concerned to ensure that, in their schools, trainees are made aware of the rights of the child. Thus, the security forces have autonomy as regards the teaching of matters relating to fundamental human rights and law relating to the family and minors, while in the Republican Guard the rights enshrined in the Convention form part of the curriculum of the training courses, and are also frequently included in the standard teaching given to permanent members of the force. The Officer Training School of the Criminal Investigation Department also gives a special place in its curriculum to human rights in general and to the rights of the child in particular.'
(*Initial report of Portugal*, CRC/C/3/Add.30.)

Spain

Again, in relation to Spain, the Committee criticises the Government for failing to adopt a comprehensive approach to all groups. However, some attention has been paid by the Government to training teachers appropriately:

'During the last two years the Centre for Juvenile Studies attached to the Office for Juridical Protection of Juveniles, in co-operation with the Ministry of Education and Science and the Spanish Red Cross, has organised continuing education activities on the rights of the child, specifically intended for teachers in secondary and vocational schools and carried out in official teacher training centres with a view to ensuring thorough study by professionals of the practical promotion of these rights. A model course for the training of trainers on the rights of the child is to be developed in 1995.'
(*Initial report of Spain*, CRC/C/8/Add.6.)

France

One of the most innovative approaches has been adopted in France, where:

'At the suggestion of non-governmental organisations, 'messengers of the Convention' training courses have been arranged by the Child and Family Institute. The purpose of these courses, designed for people already sensitised to the subject of human rights, is to create a pool of speakers capable of explaining the letter and spirit of the Convention to all audiences. Approximately 1,000 'messengers' have been trained in this way.'
(*Initial report of France*, CRC/C/3/Add.15.)

Although the Committee is almost invariably critical of state party failures to develop training, its most positive comment is probably in relation to the French Government:

'The Committee is further encouraged by the steps taken to train certain professional groups about the rights of the child. It also commends the initiatives taken by members of the legal profession to establish a system of legal information and assistance to children in the field of juvenile justice.'
(*Concluding observations on the initial report of France*, CRC/C/15/Add.20.)

Denmark, Iceland and Norway

In reality, as is evident in relation to efforts to publicise the Convention to children, in many cases NGOs are playing the most significant role in promoting professional training. In Denmark, for instance, whereas there has been little response from government, Red Barnet and UNICEF Denmark have been developing appropriate training materials (including a game, a handbook, textbooks and a cartoon). It is hoped to supplement these materials with a CD-Rom in 1998 (Red Barnet response to SCF survey). In Iceland, Barnaheill, the Icelandic Human Rights Centre and the Teachers College Continuing Education Programme have offered courses on how to educate children about human rights (Barnaheill, *Supplementary report to the report of the Government of Iceland on the implementation of the UN Convention on the Rights of the Child*, June 1995). In Norway, Redd Barna has been involved in a range of relevant activities. In 1995, it

Save the Children training kit on the UN Convention on the Rights of the Child

In 1997, Save the Children published a pack providing advice and guidance for trainers on improving understanding of the principles and contents of the Convention, and how it can be integrated into policy and practice. The pack was developed during 1996/1997 and has been used by staff of the 23 member organisations of the Save the Children Alliance and partner agencies throughout the world.

Initially designed for use with senior programme staff and policy-makers, the resource has proved extremely flexible and capable of easy adaptation for a wide range of audiences at a variety of levels. Based on fact sheets, interactive exercises and original source materials, the contents address:

- **The background to the Convention** – a brief history of children's rights and the concept of children's rights.
- **The content of the Convention** – what the Convention says; the role of NGOs in drafting the Convention; a rough guide to the UN Convention; the Convention in the wider human rights context.
- **Implementing the Convention** – the Committee on the Rights of the Child; reporting on the Convention; the role of NGOs in reporting, monitoring and follow-up; dealing with state party reservations; achievements of the Convention to date.
- **Working with the Convention** – integrating work on the Convention into policy and practice; using the UN Convention on the Rights of the Child; the child's opinion; working with children and young people; towards a children's agenda.
- **Resources, contacts and further information** – children's rights on the Internet; newsletters and journals; publications; NGO groups on the rights of the child; further reading.

Source: *UN Convention on the Rights of the Child Training Pack*, International Save the Children Alliance, 1997.

published a booklet about the Convention for teachers and nursery staff. It has conducted 'child advocacy' seminars on an extensive basis with its own members and has lectured to different groups of professionals and students on the Convention. For 1997 it planned to arrange a seminar for lawyers, and another for journalists. Redd Barna has also recommended the incorporation of the Convention in the training programme for teachers (Redd Barna, response to the SCF survey).

Important though all these initiatives are, significant questions remain. Most basically, it is imperative that further training materials and workshops are developed, especially in states where as yet little positive action has been taken. But it is crucial also to research more deeply the obstacles which can impede change, and to develop strategies to overcome them.

Education

In educational institutions, for example, it appears that many teachers feel threatened by the Convention, and – although this view should be challenged – regard its implementation as unrealistic or even damaging within a context of perceived declining authority and discipline, and greater demands on the profession. Furthermore, the development of positive approaches is not just a matter for individual teachers. If the Convention is to be taken seriously, it demands a response from the school as a whole, including the development of mechanisms for participation so that children can be involved in making decisions about wider aspects of school organisation such as disciplinary codes or school uniform. Even more broadly, education for human rights within schools will be most effective if delivered within the context of societal concern for human rights. As one commentator has put it:

> '...when obvious discontinuities – not to mention contradictions – exist between the official values of school or state and values communicated by the media, children can be confused. Their confusion becomes deeper if further, the hard facts of school life or societal relationships deny the ideals preached by well-meaning adults. At that stage, idealism, so easily awakened in young children, can quickly wither and die. For this reason, it is important, when attempting to educate children about human rights, to be active at the same time, in ensuring that adult society outside the school reflects to some extent a human rights culture.'
> (Bennett, J., 'Educating for children's rights', in Verhellen, E., (ed.), *Understanding children's rights*, University of Ghent, [1996].)

These questions, appropriate not only to the area of education but also in health, social welfare, and justice arenas, illustrate the importance of developing strategies which link professional training in day-to-day interaction with children to wider initiatives to encourage positive responses from institutions and from the media.

UK

In the case of the UK, progress in providing training for professionals on the Convention is still very limited, although there are a number of NGOs (such as Save the Children) and local authorities that have adopted the core principles of the Convention and seek to implement these in their work. It is to be hoped, however, that the forthcoming incorporation of the European Convention of Human Rights in domestic law will encourage further consideration of the need for human rights education within the national curriculum, and for the inclusion of human rights modules in training professionals. New initiatives in these areas would, in the long term, help to create and cement greater understanding of human rights issues within society.

Making State Party Reports Widely Available to the Public

In addition to measures to make the principles and provisions of the Convention widely known, the Committee's revised guidelines request similar information in relation to state party reports:

> 'States are also requested to describe those measures undertaken or foreseen, pursuant to Article 44 paragraph 6 of the Convention, to make their reports widely available to the public at large in their own countries. In this regard, please indicate:
>
> – The steps taken to publicise the report, to translate and disseminate it in the national, local, minority or indigenous languages. An indication should be given of the number of meetings (such as parliamentary and governmental conferences, workshops, seminars) held, the number of programmes broadcast on radio or television, the number of publications issued explaining the report and the number of non-governmental organisations which participated in such events during the reporting period.
>
> – The measures adopted or foreseen to ensure a wide dissemination and consideration of the summary records and the concluding observations adopted by the Committee in relation to the State party's report, including any parliamentary hearing or media coverage. Please indicate the events undertaken to publicise the concluding observations and summary records of the previous report, including the number of meetings (such as parliamentary or governmental conferences, workshops, seminars) held, the number of programmes broadcast on radio or television, the number of publications issued explaining the concluding observations and summary records, and the number of non-governmental organisations which participated in such events during the reporting period.'
>
> (*General guidelines regarding the form and contents of periodic reports to be submitted by states parties under Article 44, Paragraph 1(b), of the Convention*, CRC/C/58, 20 November 1996.)

The guidelines also request information on the extent to which different government structures and levels and NGOs participated in the preparation of the report. These issues are addressed in other sections.

In responding to Article 44, paragraph 6, many governments have frequently stated their intention to send copies of their state party report to relevant organisations. But they have generally not gone into much detail about their concrete plans, and information about the numbers of meetings held, TV or radio programmes broadcast, or reports published explaining the concluding observations and summary records of the Committee is invariably lacking. Some variations in approach are, nevertheless, discernible.

Japan

The comments by the Japanese Government in its initial report are fairly typical:

> 'The Government will be distributing the report on the Convention to relevant ministries and agencies and to local governments, boards of education, child welfare facilities, Civil Liberties Departments of Regional Legal Affairs Bureaux and the UNICEF office in Japan through the ministries and agencies concerned. The report will also be made available at all times in the Ministry of Foreign Affairs to the general public as well as non-governmental organisations.'
>
> (*Initial report of Japan*, CRC/C/41/Add.1.)

Austria

These comments indicate, however, little intention to make the government report widely available to the 'public at large'. The stance adopted in Austria appears more forward-thinking:

> 'The "Experts' Report on the Convention on the Rights of the Child" requested by the Austrian Parliament was made available to all federal ministries, Land governments, universities and colleges, libraries, to all official and private organisations and NGOs working in the respective field of children's rights and to every private person interested in the issue. The same procedure is intended to be followed in the case of the "Austrian Initial Report to the Committee on the Rights of the Child".'
>
> (*Initial report of Austria*, CRC/C/11/Add.14.)

Yet a serious obstacle to public dissemination was pointed out by the Ombudsman for the Salzburg region in response to the Save the Children survey:

'So far the report is only available to experts in English, which is not our mother tongue.'
(Ombudsman for Salzburg, response to the SCF survey.)

Denmark

The Danish Government's approach also sounds relatively advanced:

'The present report, which is submitted to the United Nations by virtue of Article 44 of the Convention, will be sent to the Folketing and to interest groups and associations involved in matters relating to children's rights, including the Danish UNICEF Committee.'
(*Initial report of Denmark*, CRC C 8 Add.8.)

Yet Danish NGOs, including Red Barnet, are nevertheless critical. As the Danish Centre for Human Rights put it:

'There is no tradition whatsoever of publishing the report to the UN.'
(Danish Centre for Human Rights, response to the SCF survey.)

New Zealand

In the case of New Zealand, a further hindrance was identified by another Save the Children respondent:

'The report was available for NZ$ 29.95 (£11) – an amount beyond the reach of most children and many families. Many people working with children were unaware that the report had been prepared.'
(Senior Lecturer, University of Auckland, response to the SCF survey.)

Nepal

In some cases, a more positive strategy was adopted towards media dissemination of the state party report. In Nepal, for instance, the Government supported a three-day national workshop on the Convention with 150 NGOs to discuss the draft report. The Government then sought to generate publicity around the report's publication and contents. The UN Committee was duly impressed:

'The Committee welcomes the decision of the Government to hold a press conference in Nepal prior to the consideration by the Committee of its initial report, as a means to create awareness in the public at large of the international commitments undertaken to promote and protect children's rights.'
(*Concluding observations on the initial report of Nepal*, CRC C 15 Add.57.)

Another press conference was also held by the Government on return to Nepal.

Finland and Germany

With reference to their concluding observations on very many states parties, the UN Committee has further suggested that they be made widely known:

'The Committee encourages the State Party to disseminate widely the state party report, the summary records of the discussion of the report in the Committee and concluding observations adopted by the Committee following its consideration of the report. The Committee would like to suggest that these documents be brought to the attention of Parliament and that the suggestions and recommendations for action contained therein be followed up in close co-operation with the non-governmental society.'
(*Concluding observations on Finland*, CRC C 15 Add.53.)

'The Committee recommends that the State party's report to the Committee, the summary records of the discussion of the report and the concluding observations adopted by the Committee be widely disseminated in the country with a view to promoting wider awareness of children's rights, including at the Land and local levels, among the authorities, non-governmental organisations, relevant professional groups and the community at large, including children.'
(*Concluding observations on Germany*, CRC C 15 Add.43.)

Australia

Perhaps it is not surprising that few countries have committed themselves, before hearing the Committee's comments, to passing the concluding observations to their national Parliaments and using them as a basis for full debates. Nevertheless, the Australian Government has stated its intention to do this:

'Australia's Report on the Convention on the Rights of the Child will be tabled in the Federal Parliament and copies will be sent to Federal, State,

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and Territory Government agencies and to non-governmental organisations. The UN Summary Record of the Report's Examination will also be tabled in the Federal Parliament.'
(*Initial report of Australia*, CRC/C/8/Add.31)

As in several other respects, the most coherent overall approach with respect to Article 44 paragraph 6 appears to have been adopted in Sweden. Some of the key events which have occurred there since ratification are set out below.

Sweden: key events since ratification

June 1990 – Sweden ratified the Convention in June 1990.

Spring and summer 1992 – Following submissions from other ministries, authorities and NGOs, an initial report was drawn up by the Permanent Under-Secretary of the Ministry of Health and Social Affairs.

1 September 1992 – Sweden sent its initial report to the UN Centre for Human Rights in Geneva – the first state party to submit its report.

2 September 1992 – A press conference on the report was held by the ministry in Sweden.

10 September – The Minister of Health and Social Affairs invited NGOs to a meeting to present the report.

18–19 January 1993 – The report was examined by the UN Committee in Geneva. A high-level government delegation answered some fifty questions from the Committee.

25 February 1993 – The Government introduced a bill to establish the office of an Ombudsman for Children.

29 April 1993 – A debate on information from the Government concerning the concluding observations of the UN Committee took place.

1 July 1993 – The first Ombudsman for Children was appointed.

Spring and Summer 1993 – The ministry invited a few NGOs to take part in a working group to draft strategies for promoting awareness of the UN Convention.

27 October 1993 – A debate was held in the Swedish Parliament on the legal status of the UN Convention, prompted by a cross-party Swedish network of parliamentarians.

August 1994 – Rädda Barnen publishes *Monitoring mechanisms for children*, including the concluding observations of the UN Committee, texts of debates in the Parliament, and its own comments.

5 September 1994 – The Ombudsman's first report was published, highlighting areas where she felt that Sweden did not meet the standards of the UN Convention.

9 February 1995 – A debate was initiated by the network of parliamentarians proposing a special annex to the government budget on a budget for children.

February 1996 – The Government appointed a parliamentary committee, with a reference group including NGO representatives to carry out a review of the relationship between Swedish law and practice and the UN Convention and promote the 'best interests of the child' in the Convention.

28–29 March 1996 – A debate was held, and a motion passed to the effect that the Swedish Government should promote action for children's rights to be taken at the EU intergovernmental conference.

3 May 1996 – The Swedish Government submits a paper on implementation of the recommendations of the Committee on the Rights of the Child to the Centre for Human Rights in Geneva.

Autumn 1996 – At a general motion debate the network of parliamentarians proposed seven joint motions on a range of subjects.

Summer 1997 – The Swedish Government's second report was published in draft.

UK

Progress in the UK has, however, been far less visible. In its concluding observations on the UK Government's first report to the UN Committee, the Committee encouraged the Government to implement Article 44, paragraph 6 and to:

> '...disseminate widely the State Party report, summary records of the discussion of the report within the Committee and the concluding observations adopted by the Committee following the report's consideration. The Committee would like to suggest that these documents be brought to the attention of Parliament and that the suggestions and recommendations for action contained therein be followed upon in close collaboration with non-governmental organisations.'
> (*Concluding observations on initial report of the UK*, CRC/C/15/Add.34.)

But the Committee's concluding observations were met with considerable defensiveness by the previous UK Government, which declined to hold any parliamentary debate and publicised neither the summary record of the discussion at the hearing nor the findings of the Committee. No systematic action was subsequently taken to address the Committee's observations.

As the new Government's second report to the UN Committee is due in 1999, it is not known yet what approach it will take to making its report widely available. But in the light of the importance which the Government has attached to taking a lead in the international community, it is to be hoped that the Government will promote as full a debate as possible within UK society on the UN Convention on the Rights of the Child.

Participation of Non-Governmental Organisations

NGOs have a long history of close involvement with moves to promote children's rights. Where the UN Convention is concerned, NGOs played a significant role from the early 1980s in creating public interest in the Convention, in encouraging its drafting and, in 1989, its final adoption. Since this time, a Geneva-based NGO Group on the Convention has continued to meet, pushing for as wide a ratification as possible, and remaining closely involved with the work of the Committee.

Partly as a result of this work, an international network of national NGO coalitions has sprung up alongside a diverse range of other – often longer-standing – NGOs. The roles of NGOs in monitoring the implementation of the Convention are numerous: information-gathering; carrying out research; lobbying government and key decision-makers; organising public information campaigns; providing services; and participating in the preparation of state party reports and or preparing 'alternative' reports.

The UN Committee has consistently welcomed the involvement of NGOs in the monitoring process. By March 1997, 67 states parties reports had been reviewed. In over 90% of the cases, NGOs were able to give a written report to the Committee, and in over 80% they gave oral information and expertise to the Committee working group prior to the consideration of each state party report. In view of the critical role played by NGOs, the Committee's revised guidelines ask state parties to:

> 'Please indicate any initiatives taken in co-operation with the civil society (for example, professional groups, non-governmental organisations) and any mechanisms developed to evaluate progress achieved.'
> (*General guidelines regarding the form and contents of periodic reports to be submitted by states parties under Article 44, Paragraph 1(b), of the Convention*, CRC/C/58, 20 November 1996.)

Scandinavia

In its concluding observations, the Committee directs some criticism at developed nations for their failure to construct adequate mechanisms. For example, in the case of Denmark:

> 'The Committee wishes to encourage the Government of Denmark to consider strengthening its co-operation with non-governmental organisations involved in matters relating to the rights of the child.'
> (*Concluding observations on the initial report of Denmark*, CRC/C/15/Add.33.)

Red Barnet confirms that during the reporting process it was difficult even to get a copy of the report. It appears, however, that the criticisms are being taken seriously by the Government, and relationships have improved (Red Barnet, response to the SCF survey).

Elsewhere in Scandinavia, the relationship between NGOs and governments has also been strained on occasion. For example, Barnaheill complained in a supplementary report to the UN Committee that:

> 'In the process of writing the report the Ministry of Justice consulted several other ministries and official institutions; NGOs working for the rights of children were, however, not consulted nor were they offered the opportunity to participate in the writing of the report.'
> (Barnaheill, *Supplementary report to the Icelandic report on the implementation of the Convention on the Rights of the Child*, June 1995.)

The Government responded that Barnaheill had never expressed an interest in participating in the report nor offered any relevant information, but admitted that:

> 'The drafters of the state report were not fully aware of the great emphasis laid on the co-operation with non-governmental organisations in facilitating popular participation in the drafting process, since they expected that information would be submitted or sought directly from the main non-governmental organisations in the country.'
> (*Reply to the list of issues by the Government of Iceland*, 9/1/96.)

The need to encourage public participation is implicit in the Committee's guidelines for reporting. The obligation is on governments to encourage participation by contacting NGOs rather than the other way round. Where no formal mechanisms exist for regular consultation between NGOs and the Government, the fostering of good communications may be undermined.

Even in Norway, there appears to be a difference of

opinion between the Government and NGOs as to how far the latter have been involved in the reporting process. According to the Government:

> 'NGOs have been involved in the reporting process through consultations. The relationship between the Government and NGOs can be described as very positive with a broad common understanding of the complementary roles and functions.'
> (Child and Family Ministry, Norway, response to the SCF survey.)

Yet Redd Barna argues that:

> 'Only to a minimal extent did the Government involve NGOs in the reporting process. Only two Norwegian NGOs were invited to submit comments to the Government's draft.'
> (Redd Barna, response to the SCF survey.)

Sweden, France and Slovenia

There are, however, more positive examples of effective consultation in other European countries. In the case of Sweden, the Government holds an annual hearing – the network for 'children's rights' convention – on relevant issues. Representatives from various ministries are given an opportunity there to answer questions from different organisations about the Government's intentions, attitude to, application of, and issues arising from the Convention (*Implementation by the Government of Sweden of the recommendations of the Committee on the Rights of the Child*, 3.5.96). Similarly, in France, an annual meeting is held between the public authorities and the NGO community on the anniversary of the adoption of the Convention by the UN General Assembly (Concluding observations on the initial report of France, CRC C 15 Add.20).

In Central Europe, newly democratic Slovenia is particularly praised by the UN Committee for its partnership approach to NGOs:

> 'The Committee welcomes the willingness of the Government to collaborate with non-governmental organisations. It is encouraged by the openness of the State Party's authorities to involving non-governmental organisations in the process of reporting to the Committee.'
> (*Concluding observations on the initial report of Slovenia*, CRC C 15 Add.65.)

Ireland

The previous Government in Ireland also appears to have taken this participation seriously:

> 'The Department of Foreign Affairs in drafting the report consulted formally and informally with a representative cross-section of the NGO sector interested in the welfare of children. In November 1995, for example, a consultative meeting was held between five government departments involved in the drafting process, and a group of NGOs led by the Children's Rights Alliance, an umbrella body with more than 50 constituent members. The meeting was convened to facilitate a constructive exchange of views on the report...
>
> 'The Government would consider that it enjoys a very good relationship with the NGO sector in all regards, and in particular the UN reporting mechanism. Many of the views of NGOs obtained during the consultative meetings held in November 1995, and comments received from various sources, are contained in 'Consultation with the NGO sector' (in the Irish Government Report). The process of dialogue and consultation is being continued as NGO representatives prepare their submission for the pre-sessional hearing of the Committee.'
> (Human Rights Unit, Department of Foreign Affairs, Ireland, response to the SCF survey.)

Of course there are questions which must be asked about this kind of approach. There is the risk that if the views of NGOs are included in government reports, they will be compromised, watered down or used to legitimise otherwise ineffective policies. Yet on the other hand, this kind of engagement can be seen in many cases as a valuable opportunity for co-operation with the Government. Moreover, it does not preclude the possibility of the submission of an 'alternative' NGO report as well.

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Save the Children (UK)'s involvement in Honduras and Central America

Save the Children was one of the founder members of a coalition of organisations in Honduras which were involved in children's issues. The main task of the coalition was to support the process of monitoring the UN Convention and reporting to the UN Committee on the situation of child rights. Save the Children was closely involved in the preparation of an 'alternative report' which highlighted practical and verifiable information missing from the Government report.

The immediate impact of this initiative was that the Honduran Government, a new government which had taken office after the report was submitted to Geneva, withdrew the previous Government's report, and chose to prepare a new report with the coalition's involvement. Honduras was one of the first countries to report to the Committee, and because of the success of the coalition in raising debate on children's rights locally and stimulating practical dialogue with the incoming Government, the experience was seen as a model for reporting to be used by NGO communities in other countries.

Save the Children has gone on to support other coalitions in Central America in following a similar procedure.

Subsequent to the reporting process, Save the Children has sought to maintain the impetus by encouraging recognition and ownership of children's rights at grassroots level, and continuing to stimulate on-going dialogue with the Government and key decision-makers. A number of initiatives have been developed to support this, including the establishment – with local and international partners – of local municipal 'child rights defenders' throughout Central America. In addition, a range of projects have been set up to promote children's participation in both exploring and voicing their own rights.

Source: Cain, E., 'Impact of the Convention on the Rights of the Child on the development of the Save the Children (UK) programme in Latin America/Caribbean' in *El futuro de la infancia en Europa*, proceedings of a seminar organised by FUNCOE, Rädda Barnen and Save the Children, Madrid, 1997.

Guyana, Jamaica and Grenada

In non-industrialised countries, it appears that the relationship between government and NGOs is often substantially different. In many cases, NGOs have been able to play a very significant proactive role. In the Caribbean, the Caribbean Initiative for Justice and Non-Discrimination (CEJIL) developed a project in the Eastern Caribbean, with Save the Children funding and support, to build the capacity of local organisations and thereby strengthen the relations between government and civil society on children's rights.

In Guyana, for example, NGOs formed a consultative group, consisting of both government and NGOs concerned with children, to examine national laws and practice in relation to the Convention and draft a series of recommendations for change. This coalition prepared a report in July 1994, which was presented to the minister in charge of children's affairs, and later formed the basis for a systematic review of all laws affecting children by a Ministry of Labour Committee presided over by a high court judge. In Jamaica, the Jamaican Coalition for the Rights of the Child (JCRC) prepared an alternative report with Save the Children (UK) assistance, and met with the UN Committee in 1994. The coalition has also undertaken a great deal of public education work, particularly with children. Having gained recognition from the Government, the JCRC was closely engaged in drafting a comprehensive children's policy and developing a national plan of action for children. Grenada also has an active coalition made up of government, NGOs and other private interest groups. The Grenada Save the Children Development Agency was instrumental in forming the coalition which was launched in 1993. Among its objectives is 'the promotion of progressive legislation and policies for children', and, in this regard, the coalition has succeeded in having an adoption law drafted and passed and a system created for formal adoptions. The coalition was also closely involved in the initial report review process.

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South Africa

In South Africa, meanwhile, positive relationships also appear to be developing. Although the country has not yet reported to the Committee, NGOs are being invited to participate via the national children's rights committee (NCRC). The relationship appears co-operative at this stage; NGOs are helping the Government with its own report, while also submitting an independent report of their own (Johannesburg Child Welfare Society, response to the SCF survey).

Southern Asia

In Southern Asia, new concern for children as citizens has caused the emergence of a powerful NGO sector in recent years, which has been extremely helpful in the planning and delivery of child-centred services. In Sri Lanka, for example, there is a very strong NGO network in which both UNICEF and Save the Children are active. This network is evoking people's participation in the children's rights field, and in particular promoting education about the realities of child abuse and exploitation (Pande, B.B., 'The politics of children's rights in Asia – Rhetoric and reality', in Verhellen, E., (ed.), *Understanding children's rights*, University of Ghent, [1996]).

UK

Throughout the production of the first UK report to the UN Committee, very little consultation or participation took place beyond government departments. Only under pressure from outside agencies did the Department of Health – the lead department – agree that 150,000 copies of a free leaflet summarising the key provisions and status of the Convention should be made available to the public. And according to the Children's Rights Development Unit (CRDU), an NGO set up to promote the fullest possible implementation of the Convention across the UK:

> 'Work on the Convention represented only a small part of the responsibility of an assistant secretary and his staff. During the year prior to the report being submitted, the CRDU sought on a number of occasions, to ascertain from the DOH, its proposed method for consultation over the production of the report... However it was not possible to obtain any information on the proposed process.'
> (Children's Rights Office, *Making the Convention work for children*, London, [1995].)

The first communication concerning the report from the Department of Health was in December 1993, when the draft was sent out to a limited number of NGOs for comment. The organisations were given ten working days over the Christmas period to respond to a report of over 100 pages. As a result, Save the Children, along with a number of other NGOs, refused to participate in the process and protested in a letter to the (then) Prime Minister, John Major.

In anticipation of the Government's report, UK NGOs decided to produce an alternative report to the UN Committee – *The UK agenda for children* – which was published in April 1994, having been co-ordinated by the CRDU. This critical and comprehensive report provided an interpretation of the implications of each article for legislation and policy; a review and analysis of the available evidence about the state of children's lives; and a systematic evaluation of the extent of compliance in relation to each article. *The UK agenda for children*, together with submissions from other organisations, helped to inform the Committee's deliberations when it came to consider the report of the UK Government.

The new Government has stated its intention to engage in positive dialogue with the NGO sector over the Convention. As the Under-Secretary of State for Health responsible for children's issues has put it:

> 'Voluntary organisations have a vital role to play in furthering the interests of children. I look to them to play a campaigning and innovative role in this respect. Government sees the voluntary sector as partners in action for children. They can provide a useful focus for responsible citizenship to safeguard children.'
> (*Childright*, September 1997, No. 139.)

So far some positive steps have been taken by the Government in line with this comment. An advisory group for the second report on the UN Convention on the Rights of the Child has been established with the participation of officials from key government

departments, local government and NGOs. From discussion at the advisory group, it is anticipated that 'rolling consultation' with interested parties will take place until the end of October 1998, with parallel consultations in Scotland, Wales and Northern Ireland. It has been proposed that executive summaries should be published targeted at children between the ages of 8 and 14, and made available in Welsh and Irish languages as well as English. Government has also requested further ideas from NGOs on initiatives to involve children in the reporting process.

The fact that steps such as these are under active consideration gives a good indication of the importance attached by the new Government to fulfilling its international obligations, and it is hoped that they will lead to positive change for all children in the UK.

Concluding Recommendations

The UK's Second Report to the UN Committee on the Rights of the Child

In January 1999, the UK's second report to the UN Committee on the Rights of the Child on the implementation of the Convention in the UK will be due. Save the Children welcomes the fact that the UK Government has already stated publicly its desire to adopt a constructive approach to the reporting process, and in particular to engage with the appropriate 'stakeholders' – the media, local government, NGOs, communities, families and, most importantly, children – in preparing the report.

Implementing Children's Rights – What Can The UK Learn From International Experience? represents a contribution by Save the Children to this process, by outlining diverse approaches to implementing the UN Convention which have been initiated in a range of states across the world, based on the framework of the reporting guidelines provided by the UN Committee.

Whilst there are no instant solutions to the complex and intractable problems facing children in the modern world, Save the Children believes that new directions can be forged if the political will and resources are devoted to this task. In this spirit, Save the Children makes the following recommendations; although they are tailored to the particular circumstances of the UK, it is hoped that other governments can also derive benefit from the conclusions.

The Status of the Convention

1. The Government's proposed incorporation of the European Convention on Human Rights into UK law is a historic decision and a significant step towards the process of creating a culture of human rights in UK society. Although the implications for children are positive, the European Convention on Human Rights nevertheless does not provide a comprehensive legal framework for full recognition of children's rights. In the long term, therefore, consideration should be given to the possibility of incorporating the 1989 UN Convention on the Rights of the Child in UK law, building on the model of the incorporation of the ECHR. Unlike the ECHR and other international human rights instruments, the UN Convention combines civil, political, cultural, economic and social rights.
2. It is becoming apparent that in the UK, as in many other states, courts are increasingly inclined to invoke the Convention when making decisions about cases before them. Although this development is generally welcome, when referring to the Convention, courts should bear in mind the interpretations set out by the UN Committee on the Rights of the Child in a range of published documents such as the concluding observations on the reports of states parties.

Reviewing and Harmonising Domestic Legislation

1. Comprehensive reviews of UK domestic legislation and guidance in all relevant jurisdictions should be undertaken to assess compliance with the Convention, with the participation of all relevant government departments and public authorities. Experience in Austria, where such reviews were conducted by independent experts and the conclusions submitted to Parliament for discussion and debate, is instructive and could provide an appropriate model.
2. In-depth assessment should be made within the review process of whether any new laws or codes should be adopted, or amendments introduced in domestic legislation and guidance, to ensure implementation of the Convention.
3. It is very encouraging that the Government has already lifted the 'reservation' entered into by the previous administration on the operation of the system of 'children's hearings' in Scotland, and is reviewing the remaining 'reservations' on ratification. Save the Children believes that the reservations relating to immigration and nationality law, the imprisonment of children with adults, and the treatment of young workers should be withdrawn as soon as practically possible.
4. In relation to Northern Ireland, compliance with Article 40 requires that the Government should examine the emergency law as well as the criminal law for inconsistency with the UN Convention.

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Effective Governmental Structures

1. The introduction of posts of Minister for Children in Scotland and Wales is a very welcome initiative, which should be mirrored in Northern Ireland too. In the light of experience with these new structures, the establishment of a post of UK Minister for Children should be considered in due course. The UK minister should have cross-departmental responsibility and powers, and should report to a Cabinet sub-committee, backed by the establishment of a Children's Unit within the Cabinet Office. The new Social Exclusion Unit may provide an appropriate model for a Children's Unit; however, Save the Children believes the latter would require additional resources to be most effective.

2. Save the Children supports wholeheartedly the commitment given by the new Scottish Minister for Children to introduce a fully comprehensive 'child-proofing' policy for all Scottish Office Departments. This should enable assessment of the impact of all existing and proposed legislation and policies on children. In the light of experience in Scotland, the Government should seek to transfer lessons learnt to the rest of the UK.

3. A standing inter-ministerial committee on children should be established to raise awareness of children's issues, encourage collaborative working between departments, and ensure co-ordination of policies relevant to children. The setting up of a national council on children's rights, involving representatives of government, public authorities and NGOs, who would advise the Government, launch campaigns, and monitor progress achieved, should also be considered. The model in Denmark is interesting, and merits consideration in more detail.

4. A 'select committee on children' should be established within the House of Lords to monitor ongoing progress in implementing the UN Convention on the Rights of the Child, comment on proposed legislation and policy in relation to children, and undertake related inquiries.

Specific Institutions to Promote the Rights of the Child

1. Save the Children welcomes the establishment by the UK Government of a Disability Rights Commission, and believes that an independent office of Commissioner for Children should also be set up, with the aims of: influencing law, policy and practice; initiating research; and promoting awareness of children's rights. The office should be well resourced and supported by a multi-disciplinary and multi-agency advisory panel with the ability to reach and involve children and young people. Whilst models exist in several countries, those in Norway and Sweden provide the most interesting examples. If, in the longer term, the Government does decide to set up a Human Rights Commission, an office of Commissioner for Children should be located within this wider structure.

National Agendas for Children

1. The publication of a set of policy aims and success measures in relation to families and children in the UK Government's recent paper on welfare reform is very welcome. Save the Children suggests, however, that this approach should be expanded upon by the production of a report on 'the state of UK children', which should be drawn up by the Minister for Children and presented to Parliament annually. Based on this information and on the framework provided by the UN Convention, a 'children's agenda for the UK' should be developed, identifying policies and plans for all relevant ministries and departments and setting targets for implementation. A key aim of the agenda should be to counter fragmentary approaches to policy-making and ensure the development of a holistic approach.

Data and Information Collection on Children

1. Building on the wide range of existing research on the position of children in the UK, and positive initiatives such as the Economic and Social Research Council's 'children 5–16 programme', further measures should be taken to ensure the systematic and independent gathering of data on children across all topic areas and the development of appropriate indicators to monitor progress, with the aim of informing policy-making at all levels. Greater effort should also be accorded to ensuring adequate coverage of the circumstances of children regionally as well as nationally, and especially in Northern Ireland.

2. Particular attention should be focused on the need to develop appropriate methodologies for ascertaining children's perspectives on the circumstances they face, and on promoting good practice more widely. Such methodologies should take into account factors such as: the age, gender and ethnic background of the children; the setting and context of the research; and techniques which allow children to respond in a manner which they feel comfortable with. At heart, any such approaches must recognise the importance of a child-centred approach to data collection which views children as the subjects rather than the objects of research.

Resources for Children

1. Under Article 4 of the Convention, governments are obliged to ensure the implementation at all levels of the economic, social and cultural rights of children 'to the maximum extent of available resources'. To meet the challenge of this Article fully, governments must recognise the profound impact of macro-economic policies on children and seek to ensure that a human development perspective influences key macro-economic decisions as early and as comprehensively as possible. This is particularly important at present for governments in the European Union, given the impending decisions about the establishment and membership of European Monetary Union, with its intended emphasis on monetary criteria such as price stability, and low public sector deficits.

2. The new UK Government has emphasised the importance of supporting families and children through the introduction of a range of positive measures such as 'working family tax credits', increases in universal child benefit, extension of the available childcare provision, and greater resources for education and health. In addition, the Treasury-led spending review of services for children aged under eight is welcome, and should be built on by further research to assess and evaluate the level of spending on all children at central and local government levels. Experience in South Africa, Norway and Sweden of researching spending on children within national budgets would prove useful models for further investigation.

International Development

1. The Government's reorientation and reinvigoration of policy towards international development – including steps such as the creation of a new department led by a Cabinet Minister and the publication of a white paper on development – is very welcome. Save the Children is particularly pleased that the white paper highlights the issue of children's rights in development, and that the Government plans to use the UN Convention as the key framework for the action it takes in this area. Save the Children believes that one way to ensure that children's rights are not invisible in development policy is to introduce explicit 'childproofing' within the work of the Department For International Development and other relevant departments.

2. Save the Children applauds the recognition within the white paper of the place of human rights in development. Save the Children's experience shows that it is only when pressure is applied for the recognition and realisation of the rights of children that long-term changes in the day-to-day situation of children can begin to be achieved.

3. The Government's planned annual report on human rights in British foreign policy is a very worthwhile step which will enable monitoring of the

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Government's new commitment to ethics and human rights. The Government should ensure that the report addresses children's rights and the implementation of the UN Convention on the Rights of the Child.

4. The UK Government should exploit its leading position as a member of the world's most influential decision-making bodies such as the World Bank, the International Monetary Fund, the UN Security Council, the European Union, the G8 and the Commonwealth to ensure that the potential for international co-operation in implementing the Convention is fully realised.

Making the Convention Widely Known to Adults and Children

1. Although the Government's statement that it is impractical to translate the Convention into all the 200 minority languages in the UK appears justified, further steps should be taken to make the Convention available in the languages spoken by the larger minority communities. One relatively inexpensive step which could be taken would be for the UN Committee on the Rights of the Child, in conjunction with a relevant organisation such as UNICEF, to make copies of the Convention available in accessible form on an Internet web site. For children with disabilities, easy access in appropriate formats (e.g. Braille, tape, sign language video) should be provided, with central government working with NGOs and educational establishments in the disability field to develop materials.

2. The Government's stated desire to actively involve children and young people in the process of preparing the second UK report to the UN Committee on the Rights of the Child is welcome. This could send an important signal to wider society that the participation of children in key forums within civil society is highly desirable. Further consideration should be given, in conjunction with organisations working with children and children themselves, to how this particular initiative can be given practical effect and how new ways of working with children and young people can be developed, tested, and disseminated within wider society.

3. The Government should build on its decision to incorporate the European Convention on Human Rights in domestic law by developing education on human rights – including children's rights – within the national curriculum. Such an initiative would also affirm the Government's renewed commitment to the work of UNESCO.

4. It is important that human rights be given increased priority within the training provided for all professionals. Such training should be set within wider organisational and societal initiatives designed to encourage the participation of children and respect for children's rights. NGOs are well placed to develop and test appropriate methods and materials, if funding could be made available by government and other social partners.

Making State Party Reports Widely Available to the Public

1. The Government should ensure that the UK's second report to the UN Committee on the Rights of the Child is tabled in Parliament prior to submission to the UN, published with a press release, and distributed widely in appropriate formats to central and local government, libraries, universities and colleges, NGOs, and interested adults and children. A similar process should be followed in relation to the UN Committee's concluding observations. Conferences, workshops and seminars, together with a high-profile media strategy should also be initiated. The overall purpose of these activities should be to provide mechanisms for stimulating continuing national debate about children's rights.

Participation of Non-Governmental Organisations

1. The Government's stated commitment to ensuring wide ownership of its second report to the UN Committee on the Rights of the Child is extremely welcome. In order to put this pledge into practice, the Government could organise a series of hearings in all parts of the UK with NGOs and other relevant public bodies to provide an opportunity for dialogue

regarding the Government's proposals with respect to the Convention, and issues arising from the work of organisations within civil society. It is hoped that the Government will allow NGOs a full opportunity to comment on the government draft. Ministers should also consider whether the views of NGOs should be specifically represented within the Government's report, though this does not preclude the possibility of NGOs submitting evidence independently as well.

2. Non-governmental organisations in the UK, such as Save the Children, play a range of roles in monitoring the implementation of the Convention, including: information gathering; carrying out research; lobbying governments and key decision-makers; public information campaigns; and participating in the preparation of state party reports and or preparing 'alternative' reports. In addition to continuing this work, NGOs also have a critical and increasingly important role in engaging directly with children and in promoting public discussion about the rights and responsibilities of children as stakeholders in society.

3. The government report in 1999 provides the opportunity to go beyond providing a static snapshot of the situation of children in the UK, by setting out a dynamic record of progress towards specific goals since the first report. Government and NGOs should therefore work together to develop practical monitoring tools and valid indicators against which such progress can be measured.

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implementing children's rights

what can the UK learn from international experience

The 1989 United Nations Convention on the Rights of the Child, which has been ratified by most governments across the world, upholds the basic human rights of children and encompasses their civil, cultural, political and economic rights. Implementation of the Convention is having a major effect on policy-making for children and is helping to move children's interests up the political agenda.

Implementing children's rights: what can the UK learn from international experience? includes concrete examples of how children's rights have been implemented around the world, and it highlights key issues of particular concern to the UN Committee, which periodically reviews the political action of governments in relation to the Convention. By considering successful models used in other countries, this study focuses on what could be achieved in the UK through a more ambitious approach. It concludes with a series of key recommendations.

Issues explored include:

- the legal status of the Convention
- reviewing and harmonising domestic legislation
- national action plans
- economic policy
- dissemination of the Convention.

The publication will be of interest to both policy-makers and practitioners working in the field of child rights, as well as academics and research institutes concerned with the UN Convention.

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